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HANSARD'S
PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

38° VICTORIÆ, 1875.

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THE EIGHTEENTH DAY OF MARCH 1875,

TO

THE THIRD DAY OF MAY 1875.

Second Volume of the Session.

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Metaliferous Mines Bill—Ordered (Sir Henry Selwin-Ibbetson, Mr. Secretary Cross); presented, and read the first time [Bill 120]		1064
Falsification of Accounts Bill—Ordered (Sir John Lubbock, Mr. Freshfield, Mr. Russell Gurney, Mr. Kirkman Hodgson, Mr. Lopes); presented, and read the first time [Bill 121]		1064

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ROYAL PREROGATIVE OF MERCY—COLONIAL PARDONS—MOTION FOR AN ADDRESS—

Moved that an humble Address be presented to Her Majesty for, Copies or extracts of so much of the commissions and instructions to the Governor-General of Canada and the Governor of New South Wales respectively, as relate to the exercise of the Royal Prerogative of Mercy; and also, Copies or extracts of the correspondence (if any) with the Secretary of State bearing upon this subject in connexion with the commutation of the respective sentences upon Lepine in Canada and Gardiner in New South Wales,—(*The Earl of Belmore.*)

After short debate, Motion (by leave of the House) *withdrawn*.

THE ESTABLISHED CHURCH OF SCOTLAND—THE TRIND SYSTEM—Question, Observations, The Earl of Minto; Reply, The Duke of Richmond .. 1077

Supreme Court of Judicature Act (1873) Amendment (No. 2) Bill (No. 48)—

Moved, "That the Bill be now read 2^a,"—(*The Lord Chancellor*) .. 1081

After debate, Motion *agreed to*:—Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

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ARMY—THE MERTHYR VOLUNTEER RIFLES—Question, Mr. Macdonald; Answer, Mr. Gathorne Hardy .. 1106

THE ARCTIC EXPEDITION—APPOINTMENT OF CHAPLAINS—Question, Mr. Mark Stewart; Answer, Mr. Hunt .. 1106

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THE ECCLESIASTICAL COMMISSIONERS—DEAN AND CHAPTER OF LICHFIELD—Question, Mr. A. Bass; Answer, Mr. Cubitt .. 1107

IRELAND—THE ISLANDS OF BOFFIN—Question, Captain Nolan; Answer, Sir Michael Hicks-Beach .. 1108

THE SURVEYOR TO THE OFFICE OF WORKS—Question, Mr. Dillwyn; Answer, Lord Henry Lennox .. 1108

THE METROPOLITAN GAS COMPANIES—Question, Sir Charles W. Dilke; Answer, Sir Charles Adderley .. 1109

ARMY—DEPARTMENTAL COMMITTEE ON RECRUITING &c.—Question, Sir Henry Havelock; Answer, Mr. Gathorne Hardy .. 1109

POST OFFICE SAVINGS BANKS—Question, Mr. Goldsmid; Answer, Lord John Manners .. 1110

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ARMY—MILITARY DRILL IN SCHOOLS—Question, Mr. O'Byrne; Answer, Mr. Gathorne Hardy .. 1111

PARLIAMENT—PUBLIC BUSINESS—DR. KENEALY AND "THE QUEEN v. CASTRO"—Questions, Colonel Loyd Lindsay, Mr. Macdonald; Answers, Dr. Kenealy .. 1112

ARMY—NEW BARRACKS AT GALWAY—Question, Mr. Morris; Answer, Mr. Gathorne Hardy .. 1112

EDUCATION DEPARTMENT—COMPULSORY ATTENDANCE—INEFFICIENT PRIVATE SCHOOLS—Question, Mr. Norwood; Answer, Viscount Sandon .. 1113

PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS—Observations, Mr. Disraeli 1114

LOANS TO FOREIGN STATES COMMITTEE—BREACH OF PRIVILEGE—

Order for the attendance of Mr. Goodlake and Mr. Hales, read .. 1114

Moved, "That Mr. Francis Goodlake, the printer of 'The Times' newspaper, be called in,"—(*Mr. Charles Lewis.*)

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it being stated in 'The Times' and 'Daily News' newspapers of the 9th instant, referred to in the Order of the House of the 13th instant, that a letter, professing to be written by M. Victor Herran, Honduras Minister in Paris, and addressed to the

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LOANS TO FOREIGN STATES COMMITTEE—BREACH OF PRIVILEGE—committee.

Right honourable Robert Lowe, Chairman of the Committee on Loans to Foreign States, was read and made part of the proceedings before the Select Committee on Loans to Foreign States on the 8th instant, it be referred to the said Committee to report to the House whether such letter was produced and read before the said Committee and under what circumstances, and whether any copy of the said letter was communicated by or on behalf of the said Committee to the said newspapers, or either of them,"—(*Mr. Disraeli*),—instead thereof.

After debate, Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Question proposed,

"That the words 'it being stated in 'The Times' and 'Daily News' newspapers of the 9th instant, referred to in the Order of the House of the 13th instant, that a letter, professing to be written by M. Victor Herran, Honduras Minister in Paris, and addressed to the Right honourable Robert Lowe, Chairman of the Committee on Loans to Foreign States, was read and made part of the proceedings before the Select Committee on Loans to Foreign States on the 8th instant, it be referred to the said Committee to report to the House whether such letter was produced and read before the said Committee and under what circumstances, and whether any copy of the said letter was communicated by or on behalf of the said Committee to the said newspapers or either of them,' be there added."

Amendment proposed to the said proposed Amendment,

To leave out from the word "being" to the end of the Question, in order to add the words "inexpedient to proceed further in the matter of the Order made on Tuesday 13th April that Mr. Francis Goodlake, the printer of 'The Times' newspaper, and Mr. William King Hales, the printer of 'The Daily News' newspaper, do attend at the Bar of this House, the said Order be now read, and discharged,"—(*Sir William Harcourt*),—instead thereof.

Question put, "That the words proposed to be left out stand part of the said proposed Amendment:"—The House *divided*; Ayes 231, Noes 166; Majority 65.

Main Question, as amended, put, and *agreed to*.

Moved, "That the Order that Mr. Francis Goodlake and Mr. William King Hales do attend at the Bar of this House, be read, and discharged,"—(*Mr. Disraeli*.)

After short debate, Motion *agreed to*.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

BRISTOL CHANNEL—HARBOUR OF REFUGE—RESOLUTION— Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the construction of a Harbour of Refuge at Lundy Island, which was suggested by the Royal Commission of 1859, demands the serious and early attention of the Government as a work of national importance,"—(*Mr. Monk*),—instead thereof 1152

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn*.

Main Question proposed, "That Mr. Speaker do now leave the Chair:"—

THE QUEEN V. CASTRO—PETITION OF THOMAS BIDDULPH AND OTHERS—
Observations, Mr. Whalley; Reply, Mr. Assheton Cross .. 1160

After long debate, Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*:—Committee *deferred* till Monday next.

Municipal Corporations (Ireland) Bill [Bill 41]—

Order read, for resuming Adjourned Debate on Question [23rd March], "That the Bill be now read a second time,"—(*Mr. Butt*.)

Question again proposed:—Debate *resumed* 1188

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the operation in Ireland of the following statutes: 9 Geo. 4, c. 82, 3 and 4 Vic. c. 108, and 17 and 18 Vic.

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Municipal Corporations (Ireland) Bill—continued.

c. 103, and the Acts altering and amending the same, and to report whether any and what alterations are advisable in the Law relating to the Local Government and Taxation of Cities and Towns in that part of the United Kingdom.”—(*Sir Michael Hicks-Beach*),—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.

Moved, “That the Debate be now adjourned,”—(*Mr. Power*):—After short debate, Motion agreed to:—Debate adjourned till Thursday next.

Ways and Means—Resolutions [April 15] reported and agreed to:—Bill ordered (*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*) .. 1191

WAYS AND MEANS—

Considered in Committee .. 1191

Resolved, That, towards making good the Supply granted to Her Majesty for the Service of the year ending on the 31st day of March 1876, the sum of £15,000,000 be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported upon Monday next; Committee to sit again upon Monday next.

Local Authorities Loans Bill—Ordered (*Mr. Chancellor of the Exchequer, Mr. William Henry Smith*); presented, and read the first time [Bill 123] .. 1191

Bishops Resignation Act Perpetuation Bill—Ordered (*Sir Henry Selwin-Ibbetson, Mr. Secretary Cross*); presented, and read the first time [Bill 124] .. 1191

Interments in Churchyards Bill—Considered in Committee:—Resolution agreed to, and reported:—Bill ordered (*Mr. J. G. Talbot, Mr. Heygate, Mr. Majendie*); presented, and read the first time [Bill 125] .. 1191

LORDS, MONDAY, APRIL 19.

GREAT BRITAIN, AUSTRIA, AND FRANCE—TREATIES OF VIENNA (1815) AND PARIS (1856)—ADDRESS FOR COPIES—

Moved that an humble Address be presented to Her Majesty for, Copies of the Treaty between Great Britain, Austria, and France, signed at Vienna 3rd of January 1815, and of the Treaty between Great Britain, Austria, and France, signed at Paris 15th of April 1856,—(*The Lord Stratheden and Campbell*) .. 1192

After short debate, on Question? *Resolved in the Negative*.

GERMANY AND BELGIUM—THE PEACE OF EUROPE—Questions, Observations, Earl Russell; Reply The Earl of Derby .. 1199

MILITARY TRAINING—PUBLIC SCHOOLS AND TRAINING SHIPS—Observations, The Earl of Lauderdale; Reply, The Duke of Richmond:—Short debate thereon .. 1202

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Indian Legislation Bill (No. 46)—

House in Committee (according to Order) .. 1206

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Exeter Union of Benefices Bill [H.L.]—Presented (The Lord Bishop of Exeter); read 1^a (No. 58) .. 1207

COMMONS, MONDAY, APRIL 19.

SPAIN—THE CIVIL WAR—ALLEGED ATROCITIES—Notice of Question, Mr. Baillie Cochrane .. 1208

FAC-SIMILES OF IRISH NATIONAL MANUSCRIPTS—Question, Mr. Gibson; Answer, Mr. W. H. Smith .. 1208

PARLIAMENTARY AND MUNICIPAL ELECTIONS ACT—THE CASE OF JOHN LANGTON—Question, Mr. Serjeant Spinks; Answer, Mr. Assheton Cross .. 1208

POOR LAW (ENGLAND AND SCOTLAND)—GRANTS IN AID—MEDICAL EXPENDITURE—Question, Dr. Cameron; Answer, The Chancellor of the Exchequer .. 1210

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<i>Moved</i> , “That the Bill be now read a second time,”—(<i>Mr. Slater-Booth</i>) ..	1245
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Sale of Food and Drugs (re-committed) Bill [Bill 83]—	
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Ways and Means—Resolution [April 16] reported, and agreed to:—Bill ordered (Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith); presented, and read the first time ..	1274
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Ordered (Mr. Clare Read, Mr. Slater-Booth); presented, and read the first time [Bill 127] ..	1274
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ARMY ORGANIZATION—RECRUITS—RESOLUTION—

Moved, "That the state and prospects of our present Army organisation, as regards the obtaining of a sufficient and continuous supply of efficient soldiers, are calculated to cause well grounded apprehension, and demand some immediate remedy pending the remote and uncertain results of a more complete development of the Brigade Depot system,"—(Lord Elcho) 1287

After long debate, Motion, by leave, *withdrawn*.

BANKS OF ISSUE—CONSTITUTION OF THE SELECT COMMITTEE—

Moved, "That the Select Committee on Banks of Issue do consist of Twenty-three Members,"—(Mr. M'Laren) 1358

After short debate, Question put:—The House *divided*; Ayes 48, Noes 119; Majority 71.

THE TICHBORNE PROSECUTION—MOTION FOR RETURNS OF PROCEEDINGS AND EXPENDITURE—

Moved, "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House a Copy of the Reports taken in shorthand of the proceedings before the Court of Queen's Bench in the several cases of Contempt of Court tried and adjudicated in that Court in relation to the Tichborne Trial; account of the expenditure occurred in relation to the said trial up to the present date, specifying the amount paid to the witnesses who were examined and also to witnesses who, although subpoenaed, were not examined, and stating, as in other cases of Crown prosecutions, the sum paid to each of such witnesses; and Copy of Affidavits sent to the Secretary of State for the Home Department in relation to the said trial, and especially as to certain statements and conduct of the foreman and other members of the jury,"—(Mr. Whalley) .. 1360

After short debate, Question put, and *negatived*.

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CLERKENWELL HOUSE OF DETENTION—ADDRESS FOR COPY OF RULE 75—

Motion for an Address for "Copy of Rule 75 of the Clerkenwell House of Detention previous to amendment, and subsequent to amendment after May Quarter Sessions of 1873 of the Magistrates of Middlesex, whereby the compulsory labour of persons remanded or waiting for bail was abolished,"—(*Sir William Fraser*) .. 1361
After short debate, Motion agreed to.

Intestates Widows and Children Act Extension Bill—Ordered (*Mr. Earp, Mr. Cowen, Mr. Errington*); presented, and read the first time [Bill 132] .. 1362

COMMONS, WEDNESDAY, APRIL 21.

Burials Bill [Bill 11]—

Moved, "That the Bill be now read a second time,"—(*Mr. Osborne Morgan*) .. 1363
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Colonel Egerton Leigh*.)
After long debate, Question put, "That the word 'now' stand part of the Question:"—The House divided; Ayes 234, Noes 248; Majority 14.
Words added:—Main Question, as amended, put, and agreed to:—Second Reading put off for six months.
Division List, Ayes and Noes .. 1418

Imprisonment for Debt (No. 2) Bill—Ordered (*Mr. Joshua Fielden, Mr. Thomas Bass, Mr. Cobbett, Mr. Anderson*); presented, and read the first time [Bill 134] .. 1421

Newspapers Registration Bill—Ordered (*Mr. Waddy, Mr. Edward Jenkins*) .. 1421

LORDS, THURSDAY, APRIL 22.

Agricultural Holdings (England) Bill (No. 39)—

Order of the Day for the House to be put into Committee, read .. 1421
After short debate, House in Committee accordingly.
Amendments made; the Report thereof to be received on *Friday* the 30th instant; and Bill to be printed, as amended. (No. 63.)

COMMONS, THURSDAY, APRIL 22.

IRELAND—TRINITY COLLEGE, DUBLIN—Question, *Mr. Errington*; Answer, The Solicitor General for Ireland .. 1442
ANNUAL RATE OF MORTALITY—FRIENDLY SOCIETIES COMMISSION—Question, *Mr. Charley*; Answer, The Chancellor of the Exchequer .. 1443
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Mr. Sullivan; Answer, Mr. Disraeli	1451
Peace Preservation (Ireland) Bill [Bill 77]—	
Order for Committee read:— <i>Moved</i> , “That Mr. Speaker do now leave the Chair,”—(<i>Sir Michael Hicks-Beach</i>)	1451
Amendment proposed,	
To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, it is inexpedient to proceed with the consideration of a Bill re-enacting and modifying detached portions of several statutes, until it is put into such a form as to show clearly and distinctly the provisions which are to form part of the continued and revised code,”—(<i>Mr. Biggar</i>),—instead thereof.	
Question proposed, “That the words proposed to be left out stand part of the Question:”—After long debate, <i>Moved</i> , “That the Debate be now adjourned,”—(<i>Mr. O’Leary</i>):—After further short debate, Question put:—The House <i>divided</i> ; Ayes 63, Noes 245; Majority 182.	
Original Question again proposed:— <i>Moved</i> , “That this House do now adjourn,”—(<i>Mr. O’Gorman</i>):—Motion, by leave, <i>withdrawn</i> .	
Original Question again proposed:—Debate <i>adjourned</i> till <i>Monday</i> next.	
Sheriff Courts (Scotland) (No. 2) Bill—	
Motion for Leave (<i>The Lord Advocate</i>)	1490
Motion <i>agreed to</i> :—Bill to alter and amend the Law relating to the administration of Justice in ordinary Civil Causes in the Sheriff Courts in Scotland, <i>ordered</i> (<i>The Lord Advocate, Mr. Secretary Cross, Sir Henry Selwin-Ibbetson</i>); <i>presented</i> , and read the first time. [Bill 135.]	
Summary Prosecutions Appeals (Scotland) Bill—	
Motion for Leave (<i>The Lord Advocate</i>)	1490
Motion <i>agreed to</i> :—Bill to alter and amend the Law relating to Appeals in Summary Prosecutions before inferior Judges in Scotland, <i>ordered</i> (<i>The Lord Advocate, Mr. Secretary Cross, Sir Henry Selwin-Ibbetson</i>); <i>presented</i> , and read the first time. [Bill 136.]	
LORDS, FRIDAY, APRIL 23.	
PRIVATE BILLS—	
Ordered, That no Private Bill brought from the House of Commons shall be read a second time after <i>Thursday</i> the 17th day of <i>June</i> next:	
That no Bill authorising any inclosure of lands under special report of the Inclosure Commissioners for England and Wales, or confirming any scheme of the Charity Commissioners for England and Wales, shall be read a second time after <i>Friday</i> the 18th day of <i>June</i> next:	
That no Bill confirming any provisional order or provisional certificate shall be read a second time after <i>Friday</i> the 18th day of <i>June</i> next:	
That when a Bill shall have passed this House with amendments these orders shall not apply to any new Bill sent up from the House of Commons which the Chairman of Committees shall report to the House is substantially the same as the Bill so amended.	
PRIVILEGE—Observations, Lord Denman	1494
Supreme Court of Judicature Act (1873) Amendment (No. 2) Bill (No. 48)—	
Order of the Day for the House to be put into Committee, read	1494
After short debate, House in Committee.	
Amendments made; the Report thereof to be received on <i>Thursday</i> next; and Bill to be <i>printed</i> , as amended (No. 66.)	

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<i>Ordered</i> , That the Deputy Clerk of the Crown do attend this House forthwith, with the last Return for the Kirkcaldy District of Burghs, and amend the same, by inserting after the word "George" the word "Campbell."		
And the Deputy Clerk of the Crown amended the said Return accordingly.		
PARLIAMENT—STRANGERS (PRESENCE AT DEBATES)—Notice of Motion, Mr. Dillwyn		1508
NAVY—REPORT ON CRIME AND PUNISHMENT—Question, Mr. P. A. Taylor; Answer, Mr. Hunt		1509
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THE QUEEN <i>v.</i> CASTRO—THE TRIAL AT BAR—ADDRESS FOR A ROYAL COMMISSION—		
<i>Moved</i> , "That the Orders of the Day be postponed until after the Motion relative to the trial of the Queen <i>v.</i> Castro,"—(<i>Mr. Disraeli</i>)		1513
<i>Motion agreed to.</i>		
<i>Moved</i> , "That an humble Address be presented to Her Majesty, praying Her Majesty to be graciously pleased to appoint a Royal Commission, to consist of Members of both Houses of Parliament, to inquire into the matters complained of with respect to the Government Prosecution of The Queen <i>v.</i> Castro, and to the conduct of the Trial at Bar and incidents connected therewith, and certain incidents of the said trial which have occurred subsequent thereto,"—(<i>Dr. Kenealy</i> .)		
After long debate, Question put:—The House <i>divided</i> ; Aye 1, Noes 433; Majority 432.		
EDUCATION (SCOTLAND) [PARLIAMENTARY GRANT]—		
<i>Considered</i> in Committee		1613
<i>Resolved</i> , That it is expedient to amend the sixty-seventh section of "The Education (Scotland) Act, 1872," by authorising Grants to be made by Parliament in aid of Schools and Teachers Residences in the counties of Sutherland and Caithness, in the same manner as Grants may be made under the said section to Schools in the counties of Inverness, Argyll, Ross, Orkney, and Shetland.		
<i>Resolution agreed to</i> ; to be reported upon <i>Thursday</i> next.		
Petty Sessions Courts (Ireland) Bill— <i>Ordered</i> (<i>Mr. O'Sullivan, Captain Nolan, Mr. French, Mr. Ronayne</i>); <i>presented</i> , and read the first time [Bill 138]		1613
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LORDS, MONDAY, APRIL 26.		
THE QUEEN <i>v.</i> CASTRO—THE TRIAL AT BAR—DR. KENEALY'S MOTION—THE DEBATE IN THE COMMONS—Personal Explanation, Lord Coleridge:—Observations, Lord Cairns		
CHURCH OF ENGLAND—CHURCH BUILDING AND RESTORATION—THE RETURNS—Question, Lord Hampton; Answer, Earl Beauchamp		
1620		

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Railway Trains Regulation Bill (No. 50)—

- Moved*, "That the Bill be now read 2^a,"—(*The Lord Redesdale*) .. 1621
 Amendment *moved* to leave out ("now") and add at the end of the Motion ("this day six months,")—(*The Lord Houghton*).
 After short debate, on Question, that ("now") stand part of the Motion? their Lordships *divided*; Contents 24, Not-Contents 56; Majority 32:
 —*Resolved* in the *Negative*; and Bill to be read 2^a *this day six months*.

Musical Entertainments Bill (No. 49)—

- Order of the day for the Second Reading read 1629
 After short debate, Order *discharged*.

Public Entertainments (Hour of Opening) Bill (No. 51)—

- Moved*, "That the Bill be now read 2^a,"—(*The Earl Beauchamp*) .. 1630
 After short debate, Motion *agreed to*:—Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

RAILWAY COMPANIES (ROLLING STOCK)—MOTION FOR RETURNS—

- Moved* that there be laid before this House, Return of the Rolling Stock of the Railway Companies in the United Kingdom; showing the number of vehicles that run with passenger trains or otherwise which have the tyres fastened on to the rims of the wheels by bolts, set screws, or rivets, or by any other species of tyre fastening, specifying the same. [Then a tabular form of Return is set out,]—(*The Earl De La Warr*) 1632
 After short debate, Motion (by leave of the House) *withdrawn*.

BOSTON ELECTION—JOINT ADDRESS—

- Moved* to agree with the Commons in the Address to Her Majesty, and to fill up the blank with ("Lords Spiritual and Temporal, and"); *agreed to* (*The Lord Chancellor*); and a message sent to the House of Commons to acquaint them that the Lords have agreed to the said Address, and have filled up the blank: The Lord Chamberlain and the Lord Steward to attend Her Majesty with the Address on the part of this House: The Lord Chamberlain to wait upon Her Majesty humbly to know what time Her Majesty will please to appoint to be attended with the said Address.

Common Law Procedure Act, 1852, Extension Bill [H.L.]—Presented (*The Lord Coleridge*); read 1^a (No. 68) 1632

Teinds (Scotland) Bill [H.L.]—Presented (*The Earl of Minto*); read 1^a (No. 67) .. 1633

Tramways Orders Confirmation Bill [H.L.]—Presented (*The Lord Dunmore*); read 1^a, and referred to the Examiners (No. 69) 1633

Gas and Water Orders Confirmation Bill [H.L.]—Presented (*The Lord Dunmore*); read 1^a, and referred to the Examiners (No. 70) 1633

COMMONS, MONDAY, APRIL 26.

- COURTS OF LAW (SCOTLAND)—JUDGES OF THE SUPREME COURTS—SALARIES
 —Question, Mr. Lyon Playfair; Answer, The Lord Advocate .. 1633
 THE NEW LAW COURTS—Question, Mr. Goldsmid; Answer, Lord Henry Lennox 1634
 ELEMENTARY EDUCATION ACT, 1872—PUBLIC TEACHERS ON SCHOOL BOARDS
 —Question, Mr. Stevenson; Answer, Viscount Sandon .. 1634
 THE ROYAL COURT, JERSEY—Question, Sir Henry Drummond Wolff;
 Answer, Sir, Henry Selwin-Ibbetson 1635
 CHINA—MURDER OF MR. MARGARY AT MANWINE—Question, Mr. Hanbury;
 Answer, Mr. Bourke 1636
 ARMY—FORTIFICATIONS AND LOCALIZATION OF FORCES—Question, Sir William Harcourt; Answer, The Chancellor of the Exchequer .. 1636
 THE ARCTIC EXPEDITION—THE CHAPLAINS—Question, Sir Wilfrid Lawson;
 Answer, Mr. Hunt 1637
 PARLIAMENT—THE CHAIRMAN OF WAYS AND MEANS—Question, Mr. Trevelyan; Answer, The Chancellor of the Exchequer .. 1637
 THE QUEEN V. CASTRO—THE TRIAL AT BAR—Personal Explanation, Sir Robert Peel 1638

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Peace Preservation (Ireland) Bill [Bill 77]—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [22nd April], "That Mr. Speaker do now leave the Chair: "—Question again proposed:—*Debate resumed* .. 1640
After debate, Question put:—The House *divided*; Ayes 155, Noes 69; Majority 86.
Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*:—Bill *considered* in Committee.
After long time spent therein, Committee report Progress; to sit again upon *Thursday*.

NATIONAL DEBT ACTS—

Acts *considered* in Committee 1683
Moved, "That it is expedient to amend the Acts relating to the National Debt, and to make further provision for the Reduction of the said Debt,"—(*Mr. Chancellor of the Exchequer*.)
Motion *agreed to*:—Resolution to be reported *To-morrow*.

LORDS, TUESDAY, APRIL 27.

CLERK OF THE PARLIAMENTS—

Sir William Rose, K.C.B., Clerk Assistant of the Parliaments: Patent read; then Sir William Rose made the prescribed declaration, and took his seat at the table 1684

CLERK ASSISTANT—Statement, The Lord Chancellor 1685

Moved, That this House do approve of the appointment of Ralph Disraeli, esquire, as their Lordships Clerk Assistant in the room of Sir William Rose, K.C.B., appointed Clerk of the Parliaments,—(*The Lord Chancellor*.)

On Question? *resolved* in the *affirmative*.

Justices of the Peace Qualification Bill (No. 5)—

House in Committee (according to Order) 1685
Amendments made:—the Report thereof to be received on *Thursday* next; and Bill to be *printed*, as amended. (No. 72.)

Chimney Sweepers Bill [H.L.]—*Presented* (*The Earl of Shaftesbury*); read 1^a (No. 71) 1686

COMMONS, TUESDAY, APRIL 27.

INLAND REVENUE—WINE LICENCES TO BEERHOUSE KEEPERS—Question, Mr.

Cawley; Answer, The Chancellor of the Exchequer 1686

NAVY—SHIPPING AGENTS—Question, Mr. Bates; Answer, Mr. Hunt .. 1687

THE ARCTIC EXPEDITION—THE SCIENTIFIC OFFICERS—Question, Mr. W.

Price; Answer, Mr. Hunt 1687

LAW AND JUSTICE—STIPENDIARY MAGISTRATES—Question, Mr. Biggar;

Answers, Sir Henry Selwin-Ibbetson, Sir Michael Hicks-Beach .. 1688

HOUSE OF COMMONS—FILTRATION OF AIR—Question, Mr. Cawley; Answer,

Lord Henry Lennox 1688

METROPOLIS—EXPLOSION IN THE REGENT'S PARK—MACCLESFIELD BRIDGE—

Question, Mr. M. Brooks; Answer, Lord Henry Lennox .. 1689

ASSAM—MURDER OF LIEUTENANT HOLCOMBE—Question, Mr. Pateshall;

Answer, Lord George Hamilton 1690

THE WRECK REGISTER—WRECKS ON THE SOUTH COAST—Question, Sir

Edward Watkin; Answer, Sir Charles Adderley 1690

NAVY—H.M.S. "DEVASTATION"—Question, Mr. Goschen; Answer, Mr. Hunt 1691

PARLIAMENT—COMMENCEMENT OF PUBLIC BUSINESS—Question, Mr. Horsman;

Answer, Mr. Disraeli 1692

PARLIAMENT—PUBLIC BUSINESS—THE BUDGET RESOLUTIONS—Question,

Mr. Childers; Answer, The Chancellor of the Exchequer .. 1692

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PARLIAMENT—STRANGERS ORDERED TO WITHDRAW—

Mr. Biggar called to the notice of Mr. Speaker that there were Strangers present 1692
Strangers ordered to withdraw.
Moved, "That the Rule for the Exclusion of Strangers be suspended during the present Sitting of the House,"—(*Mr. Disraeli*.)
After short debate, Question put, and *agreed to*.
Strangers re-admitted.

EXPORT OF HORSES—DETERIORATION OF THE BREED—RESOLUTION—

Moved, "That this House views with apprehension the large and continued export of the best and soundest stud horses and brood mares for general purposes from this Country, and wishes to direct the attention of Her Majesty's Government to the national importance of taking such steps as may be desirable to prevent the deterioration of the stock which remains,"—(*Mr. Chaplin*) 1694
Previous Question proposed, "That that Question be now put,"—(*Mr. Sturt*:)—After debate [House counted out.]

COMMONS, WEDNESDAY, APRIL 28

High Court of Justiciary (Scotland) Bill [Bill 13]—

Moved, "That the Bill be now read a second time,"—(*Dr. Charles Cameron*) 1736
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Montgomerie*.)
Question proposed, "That the word 'now' stand part of the Question: "
After debate, Amendment, by leave, *withdrawn*.
Main Question put, and *agreed to*:—Bill read a second time, and *committed* for Tuesday 1st June.

Sheriff Courts (Scotland) Bill [Bill 21]—

Moved, "That the Bill be now read a second time,"—(*Mr. Anderson*) .. 1754
After short debate, Motion, by leave, *withdrawn*:—Bill *withdrawn*.

Licensing Courts Appeal (Scotland) Bill [Bill 68]—

Moved, "That the Bill be now read a second time,"—(*Mr. Anderson*) .. 1764
After short debate, Question put:—The House *divided*; Ayes 99, Noes 176; Majority 77.

Church Rates Abolition (Scotland) Bill [Bill 26]—

Moved, "That the Bill be now read a second time,"—(*Mr. M'Laren*) .. 1780
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Sir Graham Montgomery*.)
Question proposed, "That the word 'now' stand part of the Question."
After debate, it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

National Debt (Sinking Fund) Bill—Resolution [April 26] reported, and agreed to:—

Bill ordered (*Mr. Raikes*, *Mr. Chancellor of the Exchequer*, *Mr. William Henry Smith*); presented, and read the first time [Bill 142] 1793

SAVINGS BANKS, POST OFFICE SAVINGS BANKS, AND FRIENDLY SOCIETIES—

Considered in Committee:—Resolution *agreed to*; to be reported *To-morrow* .. 1793

Pier and Harbour Orders Confirmation (No. 3) Bill—Considered in Committee:—

Resolution *agreed to*, and reported:—Bill ordered (*Mr. Cavendish Bentinck*, *Sir Charles Adderley*); presented, and read the first time [Bill 143] 1794

Labourers Cottages on Entailed Estates Bill—Ordered (*Mr. Morley*, *Mr. Whitwell*, *Mr. Stanhope*); presented, and read the first time [Bill 144] 1794

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LORDS, THURSDAY, APRIL 29.

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Saint Paul's Cathedral (Minor Canonries) Bill (No. 60)—

Moved, "That the Bill be now read 2^a,"—(*The Lord Bishop of London*) .. 1794
Motion agreed to:—Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Tuesday* next.

Supreme Court of Judicature Act (1873) Amendment (No. 2) Bill (No. 66)—

Amendments *reported* (according to Order) 1797
 After debate, Bill to be read 3^a on *Friday* the 7th of *May* next.

COMMONS, THURSDAY, APRIL 29.

PUBLICATION OF DEBATES AND PROCEEDINGS—EXCLUSION OF STRANGERS—	
Notice of Resolution (<i>The Marquess of Hartington</i>)	1819
ARMY—THE MILITIA—FINES FOR DRUNKENNESS—Question, Colonel Egerton Leigh; Answer, Mr. Gathorne Hardy	1819
ARMY—ADJUTANTS OF MILITIA—Question, Colonel Egerton Leigh; Answer, Mr. Gathorne Hardy	1820
IRELAND—BLACKWATER BRIDGE—Question, Mr. Vance; Answer, Sir Michael Hicks-Beach	1820
PARLIAMENTARY ELECTORS—THE ANNUAL RETURN—Question, Sir Charles W. Dilke; Answer, Sir Henry Selwin-Ibbetson	1820
SOUTH AFRICA—THE ORANGE FREE STATE—RETURNS—Question, Sir Joseph M'Kenna; Answer, Mr. J. Lowther	1821
ARMY—SUPERSEDED CAPTAINS—BREVET—Question, Colonel Barttelot; Answer, Mr. Gathorne Hardy	1821
NEWFOUNDLAND FISHERIES—Question, Mr. A. M'Arthur; Answer, Mr. J. Lowther	1821
REPORTS OF THE CIVIL SERVICE COMMISSION—Question, Mr. J. Holms; Answer, The Chancellor of the Exchequer	1822
PEACE PRESERVATION (IRELAND) ACT—FIRE-ARMS—Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach	1822
IRELAND—CORK GRAND JURY—Personal Explanations, Mr. Herbert, Mr. M'Carthy Downing	1823
BRUTAL ASSAULTS—LEGISLATION—Question, Mr. Cole; Answer, Mr. Assheton Cross	1824
PARLIAMENT—PUBLIC BUSINESS—MONASTIC AND CONVENTUAL INSTITUTIONS BILL—Question, Mr. Newdegate; Answer, Mr. Disraeli	1825
MASTER AND SERVANT ACT—LEGISLATION—Question, Mr. Gorst; Answer, Mr. Assheton Cross	1825
INDIA—CASE OF MR. TORCKLER—Question, Mr. Agg-Gardner; Answer, Lord George Hamilton	1826
STAMP DUTY ON APPOINTMENTS—Question, Mr. Childers; Answer, The Chancellor of the Exchequer	1826
RATING ACT, 1874—ASSESSMENT OF THE RIGHT OF SPORTING—Questions, Mr. Milbank, Sir George Jenkinson; Answers, Mr. Sclater-Booth	1826
THE REVENUE—RETURNS—Question, Sir William Harcourt; Answer, Mr. W. H. Smith	1827
INDIA—THE GUIKWAR OF BARODA—Question, Sir Seymour Fitzgerald; Answer, Lord George Hamilton	1828
PARLIAMENT—PUBLIC BUSINESS—DAY SITTINGS—Question, Mr. Pease; Answer, Mr. Disraeli	1828

Peace Preservation (Ireland) Bill [Bill 77]—

Bill *considered* in Committee [*Progress 26th April*] 1828
 After long time spent therein, Committee report *Progress*; to sit again *To-morrow*, at Two of the clock.

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[<i>April 29.</i>]	
Education (Scotland) (Sutherland and Caithness) Bill —Resolution [<i>April 23</i>] <i>reported, and agreed to:—Bill ordered (The Marquess of Stafford, Sir John Sinclair, Sir Robert Anstruther, Mr. Whitbread); presented, and read the first time</i> [<i>Bill 145</i>]	1863
Savings Banks, &c. Bill —Resolution [<i>April 28</i>] <i>reported, and agreed to:—Bill ordered (Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith); presented, and read the first time</i> [<i>Bill 146</i>]	1864
Landed Proprietors (Ireland) Bill —Ordered (<i>Mr. P. J. Smyth, Mr. P. Martin, Mr. John Bright</i>); <i>presented, and read the first time</i> [<i>Bill 148</i>]	1864
Tenants Compensation Bill —Ordered (<i>Sir Thomas Acland, Lord George Cavendish, Sir Harcourt Johnstone, Colonel Kingscote</i>); <i>presented, and read the first time</i> [<i>Bill 149</i>]	1864
Northampton Improvement Commissioners Bill —Ordered (<i>Mr. Merewether, Mr. Cartwright, Mr. Heygate</i>); <i>presented, and read the first time</i> [<i>Bill 147</i>]	1864

LORDS, FRIDAY, APRIL 30.

NAVAL ORDNANCE—BREECH-LOADERS AND MUZZLE-LOADERS—MOTION FOR RETURNS—	
<i>Moved, That there be laid before the House—</i>	
“Return of the different classes of guns now in use in the Navy; stating the various sizes of bore and the pitch of rifling whether of uniform or of increasing spiral; stating also in each class of gun the number of rifled grooves.	
“Return of the various projectiles, stating their weights and lengths, with the number of studs and the bursting charge of each hollow projectile,”—(<i>The Duke of Somerset</i>)	1864
After short debate, Motion agreed to.	

Pollution of Rivers Bill—

Bill for amending the Law relating to the Pollution of Rivers, <i>presented (The Marquess of Salisbury)</i> ; after short debate, Bill read 1 st (No. 81)	1884
IMPORTATION OF CATTLE—ILL-TREATMENT IN TRANSIT—Question, Earl De La Warr; Answer, The Duke of Richmond	1890

COMMONS, FRIDAY, APRIL 30.

PARLIAMENT—PUBLICATION OF DEBATES AND PROCEEDINGS—EXCLUSION OF STRANGERS—Notice, Mr. Mitchell Henry		1892
ARMY—ROYAL ARTILLERY—THE ROYAL WARRANT OF 1871—Question, Sir Henry Wilmot; Answer, Mr. Gathorne Hardy		1892
PARLIAMENT—PUBLIC BUSINESS—THE PUBLIC WORKS LOAN BILL—Question, Mr. W. E. Forster; Answer, The Chancellor of the Exchequer		1893
ARMY—SHORT SERVICE—ACTUARIAL CALCULATIONS—Question, Sir Henry Havelock; Answer, Mr. Gathorne Hardy		1893
Peace Preservation (Ireland) Bill [Bill 77]—		
Bill considered in Committee [<i>Progress 29th April</i>]		1894
After long time spent therein, Committee report Progress; to sit again upon <i>Monday</i> next.		
PARLIAMENT—BUSINESS OF THE HOUSE—Question, Mr. Stansfeld; Answer, Mr. Ascheton Cross		1915
It being now ten minutes to Seven of the clock, the House suspended its Sitting.		
The House resumed its Sitting at Nine of the clock.		

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SUPPLY—Order for Committee read ; Motion made, and Question proposed,
“That Mr. Speaker do now leave the Chair :”—

THE IRISH COLLEGE (PARIS)—MOTION FOR A SELECT COMMITTEE—
Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “a Select Committee be appointed to inquire into and report upon the allegations of the Petition from the President and Members of the Irish College at Paris, presented on the 4th day of August last, and also those contained in the Petition from the Roman Catholic Prelates of Ireland, presented on the 5th day of this instant April,”—(*Mr. Butt*),—instead thereof 1916

After debate, Question put, “That the words proposed to be left out stand part of the Question :”—The House *divided*; Ayes 116, Noes 54; Majority 62.

Main Question proposed, “That Mr. Speaker do now leave the Chair :”—

ARMY—A CENTRAL ARSENAL—Observations, Major Beaumont :—Debate thereon 1927

Motion, “That Mr. Speaker do now leave the Chair,” by leave, *withdrawn*.

Artizans Dwellings Bill [Bill 126]—

Moved, “That the Bill be now read the third time,”—(*Mr. Secretary Cross*) 1941

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day month,”—(*Mr. William Holms*.)

Question proposed, “That the word ‘now’ stand part of the Question :”—After short debate, Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to* :—Bill read the third time, and *passed*.

LORDS, MONDAY, MAY 3.

GERMANY AND BELGIUM—ADDRESS FOR CORRESPONDENCE—

Moved, that an humble Address be presented to Her Majesty for, Copies of the recent correspondence between the Governments of the Emperor of Germany and the King of the Belgians, with an account of the steps taken to ascertain the truth of the allegations referred to in the said correspondence,—(*The Earl Russell*) .. 1944

After short debate, Debate *adjourned to Friday*, the 14th instant.

Explosive Substances Bill (No. 75)—

Moved, “That the Bill be now read 2^a,”—(*The Earl Beauchamp*) .. 1949

After short debate, Motion *agreed to* :—Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

COMMONS, MONDAY, MAY 3.

POST OFFICES (DUBLIN AND EDINBURGH)—SALARIES—Question, Mr. M'Laren ; Answer, Lord John Manners 1951

DIPLOMATIC AND CONSULAR SERVICES—THE VICE-CONSULATE AT BAYONNE—Question, Lord Ernest Bruce ; Answer, Mr. Bourke 1952

THE MINT—SCARCITY OF SHILLINGS—Question, Sir Charles Russell ; Answer, The Chancellor of the Exchequer 1952

EGYPT—JUDICIAL TRIBUNALS—Question, Mr. Baillie Cochrane ; Answer, Mr. Bourke 1953

NAVY—GENERAL TURNPIKE ACTS—LIABILITY OF THE COASTGUARD—Question, Admiral Egerton ; Answer, Mr. Hunt 1953

NAVY—NAVAL CADETSHIPS—EXAMINATION—Question, Sir George Jenkinson ; Answer, Mr. Hunt 1954

OFFICE OF WORKS—SURVEYOR OF WORKS—Question, Mr. Dillwyn ; Answer, Lord Henry Lennox 1954

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IRELAND—REGISTRY OF DEEDS OFFICE, DUBLIN—Question, Mr. Vance; Answer, Mr. W. H. Smith	1955
METROPOLIS—STATUE OF QUEEN ANNE, WESTMINSTER—Question, Mr. Davenport; Answer, Lord Henry Lennox	1955
POST OFFICE—BLACKBURN—Question, Mr. Briggs; Answer, Lord John Manners	1956
THE BRITISH MUSEUM—THE SCULPTURE GALLERIES—Question, Lord Arthur Russell; Answer, Lord Henry Lennox	1956
ARMY MEDICAL OFFICERS—EXCHANGES—Question, Mr. O'Leary; Answer, Mr. Gathorne Hardy	1957
ARMY—DEPARTMENT OF ACCOUNTANTS—Question, Mr. Hayter; Answer, Mr. Gathorne Hardy	1957
METROPOLIS—POOR LAW AUDIT—Question, Mr. W. M'Arthur; Answer, Mr. Sclater-Booth	1957
CIVIL SERVICE COMMISSION—THE REPORT—Question, Mr. Ritchie; Answer, Mr. Lyon Playfair	1958
METROPOLIS—WIDENING OF PARLIAMENT STREET—Question, Mr. Goldsmid; Answer, Lord Henry Lennox	1959
SUPPLY EXPENDITURE—Question, Sir John Lubbock; Answer, The Chan- cellor of the Exchequer	1959
OPIMUM—PAPERS—Question, Mr. M. J. Stewart; Answer, Lord George Hamilton	1960
IRELAND—COURTS OF QUARTER SESSION—Question, Mr. M'Carthy Downing; Answer, Sir Michael Hicks-Beach	1960
THE VICARAGE OF HALIFAX—Question, Lord Frederick Cavendish; Answer, Mr. Disraeli	1960
MINES REGULATION ACT—COLLIERY EXPLOSION AT BUNKER'S HILL— Question, Mr. Macdonald; Answer, Mr. Assheton Cross	1961
VACCINATION ACTS—SKIPTON AND KEIGHLEY—Question, Mr. Beckett- Denison; Answer, Mr. Sclater-Booth	1961
PARLIAMENT—ORDER OF BUSINESS—PUBLIC WORKS LOAN ACT AMENDMENT BILL—THE RESOLUTIONS ON PUBLICATION OF DEBATES, &c.—Question, Observations, The Marquess of Hartington; Reply, Mr. Disraeli	1962

Peace Preservation (Ireland) Bill [Bill 77]—

Bill considered in Committee. [*Progress 30th April*] 1963

After long time spent therein, Committee report Progress.

Moved, "That this House will this day, at Two of the Clock, again resolve
itself into the said Committee."

Amendment proposed, to leave out the words "Two of the Clock,"—
(*Major O'Gorman.*)

Question proposed, "That the words 'Two of the Clock' stand part of
the Question:"—Amendment, by leave, *withdrawn*.

Committee to sit again *To-morrow*, at Two of the clock.

Education (Scotland) (Sutherland and Caithness) Bill

[Bill 145]—

Moved, "That the Bill be now read a second time,"—(*The Marquess of
Stafford*) 2001

After short debate, Motion agreed to:—Bill read a second time, and
committed for Thursday.

LORDS.

SAT FIRST.

THURSDAY, APRIL 8.

The Lord Romilly, after the Death of his Father.

FRIDAY, APRIL 23.

The Viscount Hill, after the Death of his Father.

THURSDAY, APRIL 29.

The Lord Lovell and Holland, after the Death of his Uncle.

COMMONS.

NEW WRITS ISSUED.

MONDAY, MARCH 22.

For *Bridport*, v. Thomas Alexander Mitchell, esquire, deceased.

MONDAY, APRIL 5.

For *Kirkcaldy District of Burghs*, v. Robert Reid, esquire, deceased.

TUESDAY, APRIL 6.

For *County of Meath*, v. John Martin, esquire, deceased.

FRIDAY, APRIL 16.

For *Kilkenny City*, v. Sir John Gray, knight, deceased.

MONDAY, APRIL 19.

For *Bedford County*, v. Francis Bassett, esquire, Chiltern Hundreds.

NEW MEMBERS SWORN.

MONDAY, APRIL 5.

Bridport—Pandeli Ralli, esquire.

THURSDAY, APRIL 22.

Meath County—Charles Stewart Parnell, esquire.

FRIDAY, APRIL 23.

Kirkcaldy District of Burghs—Sir George Campbell, knight.

THURSDAY, APRIL 29.

Bedford County—Marquess of Tavistock.

MONDAY, MAY 3.

Kilkenny City—Benjamin Whitworth, esquire.

HANSARD'S PARLIAMENTARY DEBATES,

IN THE

SECOND SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 5 MARCH, 1874, AND THENCE CONTINUED
TILL 5 FEBRUARY, 1875, IN THE THIRTY-EIGHTH YEAR OF
THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, 18th March, 1875.

MINUTES.] — SELECT COMMITTEE — *First Report*—Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod.

PUBLIC BILLS — *Second Reading* — Consolidated Fund (£7,000,000)*.

Third Reading — Superannuation Act (1859) Amendment* (37); Consolidated Fund (£882,661 8s. 11d.)*, and *passed*.

PRIVATE BILLS.

Ordered that Standing Order No. 179. sects. 1. and 4. be suspended, and that the time for depositing petitions praying to be heard against Private Bills, which would otherwise expire during the adjournment of the House at Easter, be extended to the first day on which the House shall sit after the recess.

VOL. CCXXIII. [THIRD SERIES.]

THE MARRIAGE LAWS.

QUESTION. OBSERVATIONS.

LORD CHELMSFORD, who had given Notice to call attention to the Report of the Royal Commission on the Laws of Marriage, presented to the House in the year 1868, said, he rose for the purpose of bringing under the notice of their Lordships a subject of the greatest possible importance, and of deep interest to all classes of the community. It was now more than 10 years since public attention was called to the difficulties and perplexities arising from the circumstance that the laws relating to marriage differed in the three parts of the United Kingdom. The operation of these laws was at that time illustrated by a remarkable case which was tried in the Courts of Ireland and Scotland, and which ultimately came for final

B

decision in their Lordships' House. This case involved two questions—one arising from the peculiarities of the Scotch Marriage Law, and the other from the law relating to mixed marriages in Ireland. There was a difference of opinion among the Judges in the various tribunals before which the case was tried, and a strong controversy arose out-of-doors with regard to the case. After considerable discussion on various ways, a very general desire was expressed that an endeavour should be made to bring, if possible, the Marriage Laws into uniformity throughout the United Kingdom. The Government of the day yielded to the desire, and issued a Royal Commission in the year 1865 to inquire into the whole subject. He (Lord Chelmsford) was Chairman of the Commission, the other Members being all of them eminently qualified to investigate the subject, and to form an enlightened judgment as to what alterations of the law were desirable. They were very properly selected from the several parts of the United Kingdom. For England there were, besides himself, his noble and learned Friend on the Woolsack (Lord Cairns), his noble and learned Friend opposite (Lord Selborne), Lord Hatherley, Lord Penzance, Lord Lyveden, Mr. Spencer Walpole, and the Queen's Advocate. For Scotland there were the Lord Justice General, the Lord Advocate of Scotland, and Mr. Dunlop; for Ireland, his lamented Friend Lord Mayo, the late Lord Chancellor of Ireland, and Mr. Monsell. The Commission began their labours by requiring to be furnished with summaries of the Marriage Laws in the different parts of the United Kingdom. These were prepared by competent persons, and he could not help regretting that they were not published among the Appendices to the Report. By desire of the Commission, he (Lord Chelmsford) sent out a circular asking for information and observations upon the whole subject; and adding—

“But although the Commissioners would desire to have the advantage of your judgment upon the constitution of the marriage contract, (religious and secular), its proofs, its registration, and the preservation of the evidence respecting it, they are more particularly anxious to receive information as to the practical operation of the present law in those places with which you are best acquainted.”

That circular was addressed to all the Archbishops and Bishops in England,

Lord Chelmsford

Scotland, and Ireland, Protestant and Roman Catholic; to the Moderator of the Established Church of Scotland, to the Moderators of the Free Church and of the United Presbyterian Church of Scotland, to Roman Catholic clergy, and to several persons connected with the Presbyterian Church in Ireland; to clergymen of the Established Church in England, to the President and Vice President of the Wesleyan Conference in England, to various persons, members of the Dissenting bodies in England; to the Chief Rabbi, to the Registrar General, and to many of the Registrars throughout the country. That circular elicited a vast amount of very useful information. The Commission then proceeded to examine witnesses, and about 100 persons either answered the circular or were examined on a case before the Commission. The inquiry extended over a period of three years, not owing to any want of diligence on the part of the members, but to the fact that several of them had judicial and other duties to perform in various parts of the country; and it was therefore difficult to appoint meetings to suit the convenience of the different Members. After a very full consideration of the whole subject, the Report was prepared, and when he stated that the Commission was indebted for it to his noble and learned Friend opposite (Lord Selborne), he need not add that it was a most able and valuable document. It was signed, as to its general principles, by every member of the Commission except the late Lord Mayo, who, as his official position as Chief Secretary for Ireland prevented his attending the latter sittings of the Commission, thought it would not be right of him to sign it. He would shortly state to their Lordships some of the matters with which the Report dealt. It began by laying down the principles of a sound Marriage Law. It contained recommendations as to the capacity of persons to contract marriage, and as to the solemnities that should be required. It recommended the abolition of canonical hours; the solemnization of marriage in the presence of witnesses; and it contained numerous and important recommendations relative to the requirements preliminary to marriage:—such as notice and residence; they recommended that the publication of banns, though not interfered with in

the Established Churches, should not be required by law as a condition of the lawfulness of any marriage; as to the consent of parents and guardians; as to notices, they recommended that the certificate of compliance with the prescribed regulations of the proper officers should be sufficient, and that licences should be thereby superseded; as to the registration of marriages; and as to evidence and penalties. The Commissioners conclude—

“Should our recommendations in their general substance, become law, the great object of uniformity will have been accomplished; the law will be simplified and consolidated; the highest practicable security for the facility, certainty, and safety of marriage will have been attained without any infringement of religious liberty, or antagonism between the authority of the State and the influence of religion: and at the same time there will be no sensible interference with the previously accustomed course of regular marriage, as hitherto solemnized, in England, in Scotland, or in Ireland.”

It was right he should state that the Lord Chancellor of Ireland and Mr. Monsell dissented from the recommendations as to Divorce, believing that the marriage tie was indissoluble, and that divorce *a vinculo* was contrary to the law of God. The Lord Justice General signed, but, with excusable partiality, stated that, entertaining a settled conviction founded on experience and a patient study of the subject, that the Marriage Law of Scotland was preferable in theory and principle to the Marriage Law of England, and that it had in practice been highly beneficial in its influence on the social condition and morality of the people, he could not assent to a proposal to alter that law in any particular affecting its essential principle. The Report was presented in 1868—nearly seven years ago—and it was matter of great regret, and perhaps of reproach, that nothing had since been done to carry out the recommendations of the Committee. Of course, the introduction of a measure to alter the Marriage Laws could be undertaken only by a Government. He must relieve himself from any responsibility on the subject, by stating that he ceased to be Lord Chancellor in February, 1868, and the Report of the Commission was not presented to the House till July of that year. He was succeeded by his noble and learned Friend who now again occupied the Woolsack.

It could hardly have been expected that his noble and learned Friend would be able to do anything with so large and important a subject as the Marriage Laws during the short time in which he then held office. In the next Session he was succeeded by Lord Hatherley. He (Lord Chelmsford) tried to ascertain what were the intentions of his noble and learned Friend (Lord Hatherley) on the subject now before their Lordships, and in reply Lord Hatherley said—

“The question was one which affected every family in the kingdom, and sufficient time had certainly not been given to the public to weigh the consequences which might result from the alterations recommended by the Commissioners, and though to proceed with immediate legislation might present the appearance of vigour and alacrity, still there might possibly succeed a charge of hastiness and inconsideration.”

In 1872, he (Lord Chelmsford) again tried to urge the matter on the attention of his noble and learned Friend, when he was told that there were so many pressing measures on the hands of the Government that he could not then undertake legislation on so important a subject. Thus remitted to the future, when he pressed the subject on the attention of the Government, he began to despair, when his hopes were revived by the succession of his noble and learned Friend opposite to the Chancellorship. Feeling secure of his anxious desire that the recommendations of a Commission to which he had done such valuable service should be carried out, he took an early opportunity of appealing to him; and in reply his noble and learned Friend said—

“He trusted the proposals would one day be embodied in a law without pledging the Government in any way. If it should be his good fortune at some future time to be instrumental in submitting such a law to the House, it would not be one of the least of the services which he desired to be able to render to the country.”

He felt under some embarrassment in expressing his regret that the Great Seal should have passed from the hands of his noble and learned Friend; but must qualify the expression by confining it in relation to this subject, and by adding his satisfaction that he has been succeeded by his noble and learned Friend on the Woolsack. In making his appeal to him, his noble and learned Friend could not excuse himself from engaging with the subject of the Report

decision in their Lordships' House. This case involved two questions—one arising from the peculiarities of the Scotch Marriage Law, and the other from the law relating to mixed marriages in Ireland. There was a difference of opinion among the Judges in the various tribunals before which the case was tried, and a strong controversy arose out-of-doors with regard to the case. After considerable discussion on various ways, a very general desire was expressed that an endeavour should be made to bring, if possible, the Marriage Laws into uniformity throughout the United Kingdom. The Government of the day yielded to the desire, and issued a Royal Commission in the year 1865 to inquire into the whole subject. He (Lord Chelmsford) was Chairman of the Commission, the other Members being all of them eminently qualified to investigate the subject, and to form an enlightened judgment as to what alterations of the law were desirable. They were very properly selected from the several parts of the United Kingdom. For England there were, besides himself, his noble and learned Friend on the Woolsack (Lord Cairns), his noble and learned Friend opposite (Lord Selborne), Lord Hatherley, Lord Penzance, Lord Lyveden, Mr. Spencer Walpole, and the Queen's Advocate. For Scotland there were the Lord Justice General, the Lord Advocate of Scotland, and Mr. Dunlop; for Ireland, his lamented Friend Lord Mayo, the late Lord Chancellor of Ireland, and Mr. Monsell. The Commission began their labours by requiring to be furnished with summaries of the Marriage Laws in the different parts of the United Kingdom. These were prepared by competent persons, and he could not help regretting that they were not published among the Appendices to the Report. By desire of the Commission, he (Lord Chelmsford) sent out a circular asking for information and observations upon the whole subject; and adding—

"But although the Commissioners would desire to have the advantage of your judgment upon the constitution of the marriage contract, (religious and secular), its proofs, its registration, and the preservation of the evidence respecting it, they are more particularly anxious to receive information as to the practical operation of the present law in those places with which you are best acquainted."

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on the ground that he might be charged with hastiness and inconsideration, nor did he (Lord Chelmsford) suppose that his noble Friend would plead the numerous important subjects demanding his attention. Indeed, they were led to expect that under a rest-and-be-thankful Administration, the field of legislation would lie fallow for the present Session. He hoped that his noble and learned Friend would not allow this subject to remain much longer neglected. He was anxious that the labours of the Commission should bear fruit, and that this question should not be sent to the limbo of abortive works. For this reason he wished to ask his noble and learned Friend the Lord Chancellor, Whether he can hold out any hope that steps will be taken by the present Government to carry out the recommendation of the Commissioners for the amendment of the Marriage Laws?

THE LORD CHANCELLOR said, that the subject to which his noble and learned Friend had referred was another of the many proofs that in this country most multifarious and onerous duties might be assigned to a Royal Commission, that those duties might be discharged with great zeal and ability, that a mass of valuable information might be collected and very excellent recommendations made, and yet years elapse before any particular fruit was borne as the result of those labours. He agreed with all that had been said by his noble and learned Friend about the Commission on the Marriage Laws. The subject was certainly a very wide and important one, and the pains taken by the Commission presided over by his noble and learned Friend could not be described in too strong terms. He further agreed with what his noble and learned Friend had said as to the Report. It was a document of great weight and great ability, in the preparation of which his noble and learned Friend the late Lord Chancellor (Lord Selborne) took the greatest trouble, and for which—if he might be allowed to say so—he deserved the greatest praise. But there were other circumstances which must be borne in mind when this subject was being considered. The great object of the Royal Commission was not so much to make a change in the Marriage Laws as to produce an assimilation of the Marriage Laws in the Three Kingdoms. The Commissioners

Lord Chelmsford

reported on a means to that end, and if that end was to be accomplished those means were perhaps those that alone could be adopted for the purpose. But in considering the feasibility of any proposed legislation on such a subject, we must see how far the recommendations of the Report would commend themselves throughout the United Kingdom. He believed the recommendations would affect the Marriage Laws of England so very little that they would not provoke much opposition in this country; but when they found a distinguished Scotch lawyer speaking as the Lord Justice General did—and not speaking for himself alone—it was to be apprehended that in Scotland the proposals of the Commissioners would have to encounter disfavour and discontent. Then their Lordships knew that the noble and learned Lord and the right hon. Gentleman (Mr. Monsell) who represented Ireland on the Commission dissented, not from the Report as a whole, but in respect of certain subjects which in a general measure would be found very embarrassing subjects to deal with. Therefore, he feared that when such a measure came to be discussed it would be received with anything but unanimity or concurrence on the part of the representatives of the sister countries, who were most likely to be affected by it. In saying that he did not mean to say that those difficulties were a reason why legislation should not be attempted; but, at the same time, he thought they were not to be overlooked when the Government were asked to consider the probability of passing a measure of the kind. He agreed with his noble and learned Friend that if such a measure was to be brought forward it must be by the Government of the day; but the Government had to ask themselves what was the proper time to bring it forward with a fair prospect of passing it. What probability there was of its being sufficiently discussed and considered during any particular Session; and what were the probabilities out-of-doors of any desire for a measure such as they might think it right to introduce if they proposed legislation in the matter at all. He could only say, speaking as to the present Session, that, looking at the measures already brought forward, he did not think there was the slightest prospect of a Bill on this subject being introduced; and as to next Session, he

thought it would be extremely wrong, without knowing on what subjects legislation might be taken in that Session, to give any pledge as to legislation on the Marriage Laws. His noble and learned Friend asked him whether he could "hold out any hope" that steps would be taken by the Government in that direction? Well, that was a somewhat figurative way of putting it. They all lived in hope, and he was quite ready to join with his noble and learned Friend in any amount of hope on this or any other subject; but if his noble and learned Friend asked him to give any engagement on the part of the Government, that was what he was afraid he must decline to do.

LORD SELBORNE said, that perhaps his noble and learned Friend on the Woolsack could not have given any other reply than that which he had just made to his noble and learned Friend opposite, so far as declining to enter into any engagement; but he must say that his noble and learned Friend's answer left on his mind the impression that government in this country—he did not mean by the present, more than by any other Administration—had of late lapsed into a deplorable state of weakness and indecision with regard to the largest social subjects and to those affecting the most general interests of the community. The real truth, as he understood his noble and learned Friend, was this:—his noble and learned Friend was aware that the subject on which the Commission had been engaged was one of great public importance; that the actual state of the Marriage Laws in portions of the United Kingdom was such as it ought not to be; that useful materials had been collected for the improvement of those laws; and that—whether the recommendations of the Commission were, or were not, in all their details, exactly such as he would adopt—a proper mode of dealing with the subject had, upon the whole, been suggested. What, then, were the reasons why nothing could be done? Was it that this was a speculative matter? Were there no real practical evils arising from this state of the law? Though the cases which resulted in actual litigation might not be very numerous, every year cases did come from Scotland, furnishing fresh and fresh illustrations of the effect of the

present law as to irregular marriages in that country, in creating uncertainty as to the existence of the marriage tie and as to the legitimacy and the expectations of children. So strange was the law in Scotland that it was no exaggeration to say, that no man who had in youth led an irregular life in that country could be sure, when he married, that the legitimacy and succession of his children might not some day be called in question. What was the cause of the difficulty in dealing with this question? Not that the habits of the people of Scotland had been so formed on this vicious system that you would be uprooting and overturning them by improving the law; because, though those marriages were numerous enough to be a great evil, still, as compared with the total number of marriages in Scotland, they were insignificant. The law which produced the evil was not that of regular marriages, but that of irregular marriages, such as were disapproved and discouraged by every religious body in Scotland, opposed to the general sentiment and practice of the Scottish people, and even treated as the proper subject of penalties by the old statute law of that part of the Realm. It did seem not a little surprising that prejudice should have such power as to prevent the Legislature from dealing with such an evil after a reasonable mode of correcting it had been ascertained. The Commission recommended considerable changes in the Marriage Laws of England, Scotland, and Ireland; but those changes would have effected no disturbance of the religious sentiment or of the general habits of the people in any part of the United Kingdom; they would have given no advantage to any one Church or religious body over another; they would not have divorced marriage from religion: but they would have established uniformity and security for the Marriage Law in England, Scotland, and Ireland. If he were in the position of his noble and learned Friend on the Woolsack, he might, no doubt, also feel the difficulty of obtaining popular support for a measure to give effect to the recommendations of the Commission, sufficient to overcome any serious differences of opinion which might manifest themselves in the Legislature. There were difficulties in this case, as in every case in which reforms were to be accom-

plished and prejudices overcome; but, if he had continued to occupy the position now more worthily filled by his noble and learned Friend, he should not have willingly given up the hope of being able to overcome them: and he still entertained the hope, notwithstanding what they had heard to-night, that if his noble and learned Friend should for some time longer enjoy an undisturbed occupation of office he would endeavour to achieve that important object.

LORD DENMAN regretted that the Summary spoken of by the noble and learned Lord (Lord Chelmsford) had not been published in the Appendices of the Report. He hoped that the Government would have it published so that full information might be given with a view to legislation next Session.

TURKEY AND EASTERN EUROPEAN POWERS.

QUESTION. OBSERVATIONS.

LORD CAMPBELL*: My Lords, I am glad to find that, in putting the Question of which I have given Notice, I do not stand between the House and any further business, although I shall depart but little from the reserve which I have hitherto maintained upon the topic. If I depart from it at all, it is because we are on the verge of an adjournment for Easter, while something might be done during that period beyond the power of revoking. The two inquiries I have to make, like those which came from me before, and like that which came from my noble Friend, the former President of the Board of Trade, imply no censure of the Government, and involve it in no difficulty. They are, whether the Correspondence of Austria, the German Empire, and Russia, with the Porte, which has appeared, I believe, in many journals, and, certainly, in *The Observer* of March 7th, is authentic in its substance; and, if so, whether the Ottoman despatch has yet received an answer? Material and relevant as these questions evidently are, at the same time the Government are not positively bound to give them a reply. They are at liberty to state, that the three Powers did not transmit to them the identic Note which has led to so much movement in the capitals of Europe, and, therefore, that they cannot

speak upon the point of authenticity. They are at liberty to state that they are also uninformed, whether or not, the Ottoman despatch has met with a rejoinder. It certainly was not the business of the Government to answer a paper so thoroughly in accordance with British views and objects, that they might rather have inspired it. But if the Government adopt this language, the world at large must draw, I think, two inferences. They must infer that the three Powers have united as to Eastern policy without admitting to their confidence the other signatories of 1856; that they have put an arbitrary, one cannot term it a disinterested, interpretation on the Treaty without any reference to France, to Italy, or to Great Britain. They must infer, also, that their answer to the Ottoman despatch, if it exists, was far from a conclusive one, because had it been conclusive, it would hardly be suppressed. Exaggerated modesty has never been a quality to which the three Powers have aspired, although since 1815 their union has had a moral as well as a political complexion. Let me not be thought, however, should the Ottoman despatch be still unanswered, to reflect a moment on their silence. An identic answer, to be concerted in three capitals, might well require a longer period than that which has elapsed; and their silence, if it still remains, is the best and most hopeful incident of the transaction. It is the single point on which one might be willing to extol them. I should now sit down were I not anxious to put an end to an impression that the few steps which I have taken on the subject have been conceived in a mode or spirit hostile to the Foreign Office. The impression is not likely to exist in this House, or beyond rather distant quarters, in which it is supposed, that all Governments are harassed, more or less, by all interrogations. My Lords, according to the view which I have formed on this occurrence, the Government, by no fault of their own, almost unaided, almost single-handed, are engaged in a struggle with the very elements which taxed the lofty mind of Mr. Canning from 1822 to 1827, and, at a rather later period, exercised the courage and acumen for which Lord Palmerston was so well known amongst us. In that struggle it seems to me they cannot do without

the distinct and concentrated sympathy of Parliament and of the country. Questions of this kind, although they may not be sufficient—and they are not—have, at least, a tendency to draw that sympathy towards them. I am so convinced, by many previous circumstances, that the noble Earl the Secretary of State has fundamentally the same ideas and objects as myself on Eastern policy, that I would give any proof of friendly disposition to the Foreign Office, except that of pointing to a specific course by which the difficulty, they acknowledge, would be remedied. To point to a specific course I know would be beyond the scope of any one, unless he were surrounded by every diplomatist who can contribute to unravel, and acquainted with every despatch which throws a light upon the subject. But although I would not presume to indicate a course to be pursued, it is a different thing to touch a moment on a course which ought to be avoided, while at the same time there may be some temptation to fall into it. My Lords, I venture to engage the Government to avoid what I regret to term the bad example of 1870, of which the details and the stages are well known to them. I venture to engage them, should some new blow impend upon the Treaty of 1856, not to smooth the way for it, not to throw a veil of decency around it, not to extricate from difficulty those who have prepared it, not to be the instruments and seconders of a triumph they may be unable to avert, not to protest first, in order, to be accessories later. The suggestion which I make is not indeed a brilliant, but entirely a negative one. I ask the Government to keep their dignity unsullied; and, should an European loss be unavoidable, to leave its whole accountability, its whole embarrassment, its whole reproach, to those who have created it.

THE EARL OF DERBY: I certainly never for a moment thought that my noble Friend asked his Question in any unfriendly spirit. I think he had a right to put the Question, and I am quite ready to answer it. Now, as to the first part of it, I have to reply that the Correspondence to which my noble Friend refers is authentic—I mean substantially authentic—because there are one or two inaccuracies, apparently of translation. But these are not impor-

tant, and do not in any way affect the general authenticity of the Correspondence. As to the second part of the Question, I have to say that I am not aware that any answer has been given to the despatch referred to, either by the three Powers collectively or by any one of them singly. If any answer had been given in an official form, I have very little doubt that I should have been made aware of it. I do not think it would be convenient that I should go into an explanatory statement of the position in which we stand. A few weeks ago, in answer to my noble Friend, I stated what were the material facts of the case as they stood at that moment, and nothing has occurred to alter the circumstances since that time. My noble Friend need not be afraid that we shall depart from the construction we have put on our Treaty engagements. Our view on that point was deliberately adopted by us, and we have no intention to abandon it. At the same time, I must point out that where the interpretation of Treaties is in question, we cannot enforce our views on other Powers. We can only adhere to them ourselves. I shall be able to produce the Papers within the next few weeks, and if the noble Lord wishes a discussion on the subject, it will be perhaps more convenient for him to raise it when he has all the materials before him.

House adjourned at Six o'clock,
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, 18th March, 1875.

MINUTES.] — SELECT COMMITTEE — Police Superannuation Funds, *appointed*; Corrupt Practices Prevention and Election Petitions Acts, *nominated*.

PUBLIC BILLS—*Ordered—First Reading—*Medical Act Amendment* [100].

*Second Reading—*Linen and Yarn Halls (Dublin)* [90]; Open Spaces (Metropolis)* [50], *debate further adjourned*.

Committee — Artizans Dwellings [1] — R.P.; Mutiny—R.P.

Committee—Report—Glebe Lands (Ireland)* [23].

Third Reading—Regimental Exchanges [3], and passed; East India Home Government (Pensions) [74], debate further adjourned; Building Societies Act (1874) Amendment* [72]; Local Government Board (Ireland) Provisional Orders Confirmation* [81], and passed.

CRIMINAL LAW—LAW OF EVIDENCE —THE SHORNCLIFFE MURDER.

QUESTIONS.

SIR CHARLES RUSSELL asked Mr. Attorney General, Whether his attention has been called to the case of a soldier whose throat was so severely cut as to prevent his utterance, and who therefore wrote "Morgan done this," at the same time indicating Morgan; and, if so, whether his attention has been further called to the withdrawal of such writing by the counsel for the prosecution in consequence of a doubt expressed by the presiding judge, and endorsed by the Lord Chief Justice, as to its admissibility in evidence; and, whether, with a view to prevent the possible failure of justice, he will make provision by legal enactment to remove any doubt which may exist as to the admissibility of such evidence?

THE ATTORNEY GENERAL: Sir, in answer to the first Question of my hon. and gallant Friend, I have to state that my attention has been directed to the report in *The Times* of Friday last of the trial and conviction, on the previous day, at Maidstone, of John Morgan, for the murder of his comrade, a soldier named Joseph Foulkstone. It appears from that report, that, immediately after he had been wounded, Foulkstone rushed from the place where he had been attacked into an adjoining hut, and there, being unable, by reason of the wound in his throat, to speak, wrote certain words upon a piece of paper. It does not appear, from the report to which I have referred, what were the words which were so written, though they were probably to the effect stated in the Question. I should add that Morgan was not present when they were written, and that the action of Foulkstone, which my hon. and gallant Friend refers to as "indicating Morgan," occurred, not at the same time, but at a somewhat later period. In answer to the second Question, I have to state that the counsel for the prosecution, having at one period of the trial

tendered the writing in evidence, appears to have subsequently abstained from putting it in, in consequence of an intimation by the presiding Judge, after consultation with the Lord Chief Justice, that, in the event of his admitting it, he should consider it his duty to reserve the question of its admissibility for the Court for Crown Cases Reserved; and in my humble opinion the counsel for the prosecution exercised a wise discretion in withdrawing the document, for, had the evidence been admitted and the admission been subsequently held erroneous, the conviction would have been set aside, however cogent the other evidence might have been. To the third Question of my hon. and gallant Friend, whether, with a view to prevent the possible failure of justice, I will make provision by legislative enactment to remove any doubt which may exist as to the admissibility of such evidence, I can only reply in the negative. As the House is aware, the law recognizes the admissibility in evidence, in certain cases, of the declarations, whether verbal or in writing, of a dying man; but it is essential that the person making the declaration should at the time of making it be under the firm conviction that he is dying; and any hope of recovery, however slight, would render the evidence inadmissible; the principle upon which evidence of this kind is admitted being that a person who believes himself to be at the point of death has imposed upon him an obligation to speak the truth equal to that which is created by an oath administered in Court. In Morgan's case, so far as I can judge, the doubt, such as it was, which existed as to the admissibility of the writing, arose from the absence of any direct evidence, though the surrounding circumstances pointed in that direction, that Foulkstone believed himself to be dying, it being clear, as well from experience as from the authority of decided cases, that such belief cannot be inferred from the mere fact that the dying man had received a wound of a nature to render death inevitable, or that his death occurred very shortly after the making of his declaration. I think, Sir, under the circumstances, that any alteration of the law in the direction suggested by my hon. and gallant Friend would have the effect of causing, rather than preventing, a possible failure of justice.

MASTER AND SERVANT ACT—CASE
OF JOHN CORRY.—QUESTION.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether he will give the benefit of the unanimous recommendation of the Royal Commission on the Master and Servant Act (to the effect that a simple breach of contract should not be criminally punished) to all persons now under punishment for that offence; and, in such case, whether he will order the immediate release of John Corry, a farm servant, lately sentenced to be imprisoned for two months in Carlisle Gaol for a breach of contract in 1873?

MR. ASSHETON CROSS: Sir, I am always ready to inquire into any case that is brought before me where a prisoner has been convicted, and believes he has some reason why he should be pardoned. In every particular case a very careful examination is made; and I am perfectly willing to take the step of giving advice to Her Majesty, where I feel that I ought to do so; but I must entirely decline, with the permission of the House, to answer any such general inquiry as the hon. Gentleman has placed on the Paper to-night. With regard to the prisoner John Corry, all I have to say is, that no application whatever has been made to the Home Office in his favour.

CRIMINAL LAW—UNCONVICTED PRISONERS—PRISON REGULATIONS.
QUESTION.

SIR WILLIAM FRASER asked the Secretary of State for the Home Department, Whether it is the case that persons remanded by a magistrate, unconvicted of any offence, can be compelled to scrub the floor of their cells, while there are many prisoners and other persons willing to do this work for a small remuneration?

MR. ASSHETON CROSS: I really think, Sir, I ought not to be called upon to answer Questions of this kind. But as to this Question, I must refer my hon. Friend to the Prison Rules, which are made by the Court of Quarter Sessions, and are approved by the Secretary of State. By those rules every prisoner is bound to keep his cell and the articles therein clean and in order, and beyond that I have nothing to say. ["Hear!"]

THE ORANGE FREE STATE REPUBLIC.
QUESTION.

SIR JOSEPH M'KENNA asked the Under Secretary of State for the Colonies, Whether Her Majesty's Government have any objection to print and lay before Parliament, Copy of the following Correspondence—namely, that which has taken place, 1st, between Her Majesty's High Commissioner in South Africa and the President of the Orange Free State Republic; 2nd, between the said President and Her Majesty's Secretary of State for the Colonies; and 3rd, between Her Majesty's said Secretary of State and the said High Commissioner, the whole of said Correspondence dating from and having reference to the occasion of Her Majesty's High Commissioner taking possession of certain territory which (including the diamond fields) was then and is still claimed to be the territory of the aforesaid Republic, and which is alleged to have been surrendered only under protest and to superior force?

MR. J. LOWTHER, in reply, said, that those Papers relating to affairs in South Africa were in course of preparation. They contained Correspondence relative to the hon. Gentleman's Question, and he hoped they would be presented to Parliament shortly.

INDIA—CASE OF CAPTAIN J. B.
CHATTERTON.—QUESTION.

SIR THOMAS CHAMBERS asked the Under Secretary of State for India, Whether his attention has been called to the case of Captain J. B. Chatterton, late of the Bengal Staff Corps; and, whether it is true that that officer, while a patient in the hospital at Calcutta in 1869, suffering from contraction of the left leg, certified by seven medical officers, was turned out of the hospital, and thus left without the means of defraying his passage to England or of obtaining further medical assistance; further, if it true that he was at the same time placed upon half-pay, which half-pay he was then informed was not payable to him in India, and that, in consequence of this treatment, this officer, as he alleges, was left without the means of defraying his passage to England (contrary to the covenant existing between the late East India Company and their

officers) or of obtaining medical assistance; and, further, is it true, as this officer alleges, that he has thus been made a cripple for life, that he has ever since been under medical treatment, and has undergone several surgical operations?

LORD GEORGE HAMILTON: Sir, my attention has been directed to the case of Captain Chatterton, though I have no information as to the circumstances under which he left the hospital at Calcutta in April, 1869. The Government of India, in 1869, reported that Captain Chatterton persisted in representing himself as unfit for duty from illness, although medical opinion was against him. They suggested that his representation should be adopted, and that, being unfit for effective service, he should be placed upon the retired list. The Secretary of State concurred in this recommendation, and Captain Chatterton was placed upon half-pay on the 13th of April, 1869, and he quitted India in July following. Captain Chatterton is mistaken in supposing that any covenant existed between him and the East India Company, by which the Indian Government were bound to pay his passage home. A passage was obtained for him by the Government of Madras, the cost of which has been deducted in small instalments from his half-pay. I can give no information in reply to the last Question, except that letters have been written by Captain Chatterton to the Secretary of State, stating that he is a cripple and has undergone surgical operations.

SCOTLAND—THE ORDNANCE SURVEY. QUESTION.

MR. RAMSAY asked the First Commissioner of Works, Whether the Ordnance Survey of the Mainland of Argyllshire and of the Islands which form part of that county (which was commenced upwards of forty years since) is ever to be completed; and, if so, when maps of the same may be expected to be published?

LORD HENRY LENNOX: Sir, the survey of the mainland of Argyllshire was commenced, not 20 years ago, but in 1859, and it is finished. The plans on 25-inch scale of the cultivated districts have been published, and also those on the 6-inch scale for the greater part of the county. With regard to the Isles, the survey of them all has been

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completed, except Islay and Jura, and these will be proceeded with early in the summer. I may mention that, in consequence of the deputation which waited on me last year, including the hon. Member, and my noble Friend the Member for Argyllshire (the Marquess of Lorne), the surveyors were at work through the winter, but, owing to the excessive rains, they have not made the progress I hoped for; but no pains will be spared to push on the survey as rapidly as possible.

NAVY—NAVIGATING OFFICERS.

QUESTION.

MR. HANBURY TRACY asked the First Lord of the Admiralty, If he will state how many qualified Lieutenants and Sub-Lieutenants are now employed in navigating duties, and how many are now qualifying under Admiralty Circulars of 1873 and 1874; whether he proposes to take any further steps for enlarging the scope of those proposals; and, whether he has now arrived at any determination in reference to offering a scheme of retirement or amalgamation to the navigating Lieutenants and Staff Commanders, with the view of the gradual abolition of a separate grade of officers for navigating duties?

MR. HUNT: Sir, two lieutenants and 13 sub-lieutenants have qualified for navigating and pilotage duties under the Circulars of 1873 and 1874; four lieutenants and 11 sub-lieutenants are qualifying. More volunteers have been called for to undertake those duties, and it is proposed to select 30 to qualify themselves during the year. With regard to the last Question, I am not prepared to announce any determination at present, as I consider this subject, and that of the executive officers of the Navy must be dealt with as a whole.

ARMY—KNIGHTSBRIDGE BARRACKS.

QUESTION.

MR. FORSYTH asked the Secretary of State for War, Whether it is the fact that the Knightsbridge Barracks are about to undergo a process of reconstruction; and, whether it is the intention of the Government to keep up those barracks as a permanent building, or to remove them; and, if so, when?

MR. GATHORNE HARDY, in reply, said, he was not aware that any such project as the reconstruction of the Knightsbridge Barracks was contemplated.

THE JUDICATURE ACT.—QUESTION.

SIR EARDLEY WILMOT asked the First Lord of the Treasury, What are the intentions of Her Majesty's Government with reference to the Judicature Act of 1873?

MR. DISRAELI: I might, Sir, take a Parliamentary objection, I think, to the Question of the hon. Baronet. It is not, generally speaking, conducive to the convenience of the House that the policy of the Government should be made known to the Houses of Parliament by means of a forced Answer to an abrupt leading Question put by a private Member. If the Question is treated with reserve, it leads naturally to misconception; and if, on the contrary, it is treated with that frankness, which I, for one, wish always to extend to the House, the Minister is placed in a false position by apparently according to an individual, of his own motion, that which he would prefer, as a matter of courtesy, to communicate to the House in a formal and more convenient manner. But after these remarks—which I think I am justified in making in the present instance—and looking to the Question of the hon. Baronet, I will inform the House that after the holidays the Lord Chancellor, in the House of Lords, will state the course which Her Majesty's Government intend to take with regard to the Judicature Act of 1873.

CRIMINAL LAW—THE CONVICT PRISON AT GIBRALTAR. QUESTION.

MR. LOWE asked the Secretary of State for the Home Department, Whether there is now in the convict prisons of England room for the penal servitude convicts confined in the prison at Gibraltar; whether Her Majesty's Government proposes to abide by the decision arrived at by the late Government to abolish this prison as soon as sufficient accommodation could be provided in the English prisons; and, whether if this decision be set aside, the change is due to more favourable reports of the con-

dition and discipline of the prisons at Gibraltar?

MR. ASSHETON CROSS, in reply, said, there was now room enough in the public prison to accommodate the convicts at Gibraltar. No convicts had been sent from England to Gibraltar since the winter of 1871; the prisoners at present confined there would as soon as convenient be brought home, and the prison at Gibraltar would be closed. Should it be found absolutely necessary to employ convict labour at Gibraltar, wholly new arrangements would have to be made; but no step would be taken in that direction until after full inquiry into the whole subject.

NAVY—IRONCLAD SHIPS.—QUESTION.

SIR JOHN HAY asked the First Lord of the Admiralty, If he proposes to remove the names of the ironclad ships which he has stated to be unfit for sea service and not worth repair from the list of the steamships and vessels of the Royal Navy in the Navy List, &c. to a list of vessels for Harbour Service; and, if he will state to the House the names of the ships in question?

MR. HUNT, in reply, said, that there would shortly be a new classification of the Navy List, and the iron-clad vessels which would be placed on the list for harbour service would be the *Lord Clyde*, the *Royal Oak*, the *Prince Consort*, the *Caledonia*, the *Zealous*, the *Ocean*, and the *Enterprise*.

ARMY—DISTINGUISHED SERVICE MAJORS.—QUESTION.

SIR CHARLES RUSSELL asked the Secretary of State for War, Whether he has been able to consider the claims advanced by the Distinguished Service Majors; and, if so, whether he is in a position to state how he proposes to deal with them?

MR. GATHORNE HARDY, in reply, said, that their case would be referred to the Promotion and Retirement Commission.

THE REVISED STATUTES.—QUESTION.

MR. ARTHUR MILLS asked the Secretary to the Treasury, Whether there will be any objection to authorise the supply of copies of the Revised Statutes, published by the Statute Law

Committee, to Members who may apply for them, in the same manner as the Journals of the House are now supplied?

MR. W. H. SMITH, in reply, said, that, as the Revised Statutes were printed by Messrs. Eyre and Spottiswoode, at their own expense and risk, he was not prepared to authorize the supply of copies to Members who might apply for them.

THE INDIAN MUSEUM, SOUTH KENSINGTON.—QUESTION.

MR. FAWCETT asked the Under Secretary of State for India, What steps have been taken to establish an Indian Museum in London; whether the arrangements which have been adopted, or are contemplated, will throw any charge on the revenues of India; and, whether, if there have been any Minutes on the subject by Members of the Council of the Secretary of State, he has any objection to lay these Minutes on the Table of the House?

LORD GEORGE HAMILTON: Sir, an Indian Museum has existed in London for 75 years, having been established by the East India Company in 1800. It has been enriched by the collections of many Orientalists, and was removed from the East India House to Fife House, and thence to an upper floor of the India Office. The space there allotted to it was, however, insufficient to display the articles, and, the room being urgently required for other purposes, it was in 1874 determined to remove the Museum for three years to South Kensington, rather than incur the expense of erecting a new building. The Department of the Reporter on Indian Products, who is also Director of the Museum, having also been found quite inadequate to meet the constant demands for information made by the Government of India, it was determined at the same time to increase the strength of the establishment under him. This, however, is only a temporary arrangement for three years. The expenditure thus incurred will throw an additional charge upon the revenues of India; but the cessation of annual exhibitions, in which India has borne a part, affords a saving more than equivalent. The present arrangement is temporary. As soon as any permanent decision is arrived

Mr. Arthur Mills

at, I shall be very glad to give my hon. Friend any Papers or Minutes written by Members of Council; but I do not think at present it would be advisable, pending such decision, to lay Papers upon the Table of the House necessarily inadequate and incomplete.

NAVY—H.M.S. "DEVASTATION."

QUESTION.

MR. BENTINCK asked the First Lord of the Admiralty, Whether there is any truth in a report that Her Majesty's ship "*Devastation*" is about to be sent to the Mediterranean?

MR. HUNT, in reply, said, it was intended to send the *Devastation* to Malta next month attended by the *Hercules*.

ARMY—MILITIA ADJUTANTS.

QUESTION.

MR. W. PRICE asked the Secretary of State for War, Whether militia adjutants who signify their acceptance of the proposed retiring pension scheme before the 1st of July next, will be compulsorily retired on and from that date, or whether their services will be required for any further period; in the latter case, whether such service will count towards pension?

MR. GATHORNE HARDY, in reply, said, the proposal at present was that those Militia adjutants who agreed to accept the retiring pension scheme on the 1st of July next would not be compulsorily retired, but would be allowed to complete this year's training of the regiment, nor would they be compulsorily retired afterwards as long as their services were required. Such prolonged time would count towards their pensions. He thought, however, the best plan would be to extend the time from the 1st of July to the 1st of October, which would cover the time of training. Some Militia adjutants, he was informed, thought some slur was cast upon them by the proposal for their retirement; but this idea was quite a mistaken one.

ROUMANIA—THE OUTRAGE ON MR. AND MRS. DODSHAM.—QUESTION.

MR. PEASE asked the Under Secretary State for Foreign Affairs, Whether the attention of Her Majesty's Government has been called to the case of Mr.

and Mrs. Dodsham, who were attacked by a gang of brigands near Galatz on Sunday the 7th February; and, what steps Her Majesty's Government have taken in reference to this outrage? He might say that he had lately obtained information which had satisfied him that the accounts in the newspapers were not exaggerated.

MR. BOURKE, in reply, said, that he was not surprised at the Question, for it was impossible to describe in too strong terms the barbarity and gross cruelty of the outrage. As soon as information respecting the outrage reached the Foreign Office instructions were sent to the British Consul in Roumania to urge the Government to bring the perpetrators of the outrage to justice as soon as possible.

CRIMINAL LAW—EXPENSES OF CRIMINAL PROSECUTIONS.

QUESTION.

MR. PAGET asked the Secretary of State for the Home Department, Whether Her Majesty's Government are prepared to take any steps to obviate the inconveniences connected with the present system of disallowances of expenses of criminal prosecutions?

MR. ASSHETON CROSS, in reply, said, this matter had been under the consideration of the late and of the present Government for some time, and his hon. Friend the Secretary of the Treasury would in the course of a few days lay upon the Table a Treasury Minute that would dispose of the subject in a manner satisfactory to the country. The evils now complained of were very serious. With regard to prosecutions at sessions, the expenses, after being taxed by the local officer, were taxed again in London, so that it was not in the power of the local authority to recoup itself for any money which might have been wrongly paid. To remedy this state of things it would be proposed that a sum should be paid on the average of sessional prosecutions. With regard to cases tried at the Assizes, the grievance was still greater, for there was no county officer to tax the costs which were retaxed afterwards in London. Thus though the county had no control in the matter, it had to pay anything which might have been wrongly allowed. It was intended to

remove this injustice to local jurisdictions.

PALACE OF WESTMINSTER—THE FRESCOS.—QUESTION.

MR. ERRINGTON asked the First Commissioner of Works, Whether, considering how successful the treatment of Mr. Richmond, R.A., has been in preserving the frescoes by Maclise in the Royal Gallery from the destruction which threatened them, he will avail himself of the advice and services of the same distinguished artist and of his colleagues on the late Committee of Inquiry, to arrest the decay of such of the other frescoes as are not already too far gone?

LORD HENRY LENNOX: Sir, the only frescoes that require examination or show decay are those in the upper waiting hall, and also the four that are in the House of Lords. Since last Session, and on the representation of the hon. Member for Peterborough (Mr. Hankey), I arranged that Mr. Cope should restore his frescoes in the Lords' Gallery, and they have since been glazed. It is my intention to consult with my noble Friend (Lord Hardinge) and the Members of that distinguished Assembly as to what steps should be taken next, and I hope to state the result after Easter, when the Estimates of my Department are before the House.

MERCHANT SHIPPING ACTS—UNSEA- WORTHY SHIPS.—QUESTIONS.

MR. PLIMSOLL asked the President of the Board of Trade, Whether his attention has been called to the fact that the "Marquis of Lorne" sailed from Glasgow recently so loaded that she had only 2 feet 2½ inches of side (her depth of hold being 17 feet 2-tenths), although she had the dangers of the Bay of Biscay to encounter; to the case of the "Arthur," also from Glasgow, having a depth of hold of 17 feet 3 inches with a freeboard of only 2 feet 6 inches on the port side, and 2 feet 1 inch on the starboard, she also having to cross the Bay of Biscay; and to the case of the "Dania," which sailed from Shields for Malta with a depth of hold of 16 feet 3 inches, and a clear side of 14 inches only on the port side, and of 3 feet 1 inch on the starboard; and, whether any steps were taken by the Board of Trade to

prevent the sailing of these ships in this condition?

SIR CHARLES ADDERLEY: Sir, the freeboard of the *Marquis of Lorne* was as stated in the Question; but the length of the poop and forecastle added so materially to the buoyancy of the ship that it was not considered right to stop her. The draught of water as shown by these Returns, which are communicated to the hon. Member, taken alone, is a very imperfect and misleading test of seaworthy loading. To stop a ship on that test alone would be unjust, mischievous, and leading to costly reversal. The principal surveyors of the Board of Trade are at this moment on a circuit with a view of establishing a practice on which the Board of Trade may satisfactorily act in this difficult question of overloading. In the case of the *Arthur* the ship was stopped by the Board of Trade and lightened of 130 tons of cargo. In the case of the *Dania* the information arrived by telegram on a Saturday night, and was received too late to be acted upon, even if desirable. The question is one of list; the mean of the two freeboards would be sufficient, if after starting the ship was trimmed.

MR. PLIMSOLL asked the President of the Board of Trade, Whether a case has recently come to his knowledge in which a shipowner discharged a captain of a ship for refusing to take her to sea without some means were adopted to prevent her cargo from shifting, on the ground that she would inevitably founder if he did, she being loaded in bulk with Indian corn; whether the owner did not thereupon engage another captain, and insist upon sending the ship to sea, which subsequently foundered with all hands; and, whether he will order a prosecution of the shipowner under section 11 of the Merchant Shipping Act of 1873?

SIR CHARLES ADDERLEY: Sir, I gather from the Question that I know the case referred to, though it is not named; and, if I am right, the case has been under investigation at Greenwich, and the result is to disprove the rumour as stated in the Question. The ship capsized, as is known from the captain and other survivors, and the Report of the inquiry will be published shortly.

Mr. Plimsoll

MILITARY KNIGHTS OF WINDSOR.

QUESTION.

COLONEL NORTH asked the Secretary of State for the Home Department, If he will take into his consideration the possibility of reducing the heavy fees now paid by the Military Knights of Windsor upon their appointment, and a similar fee upon their removal from the Lower Foundation to the Royal Foundation?

MR. ASSHETON CROSS: It is true, Sir, that the fees have hitherto been very excessive. A great number of forms and ceremonies have been gone through; and the fees payable by these poor persons have been £4 7s. 6d. on their original appointment, and £4 7s. 6d. on their promotion to the Upper Foundation. This subject has been under the consideration of the Government for some time, and I am happy to state that an arrangement has now been come to by which the mode of appointment has been much simplified, and the fees will not amount to more than 30s. on the original appointment, and 30s. on promotion. Through the kindness of the present Chancellor of the Order and his Secretary they make no objection to this arrangement coming into force at once, during the lifetime of the persons entitled to these fees.

EDUCATION DEPARTMENT (ENGLAND)—THE REVISED CODE, 1875.

QUESTION.

MR. SALT asked the Vice President of the Council, Whether he will reconsider the terms of Clause 115 in the New Code, so as to secure that scholars shall pass in the three subjects in the standard prescribed under the various Acts for regulating the education of children employed in labour; and, whether he will more clearly define the words "prescribed by the Act," so as to include all regulations, whether Parliamentary or Departmental, relating thereto?

VISCOUNT SANDON: Sir, in answer to the Question of my hon. Friend, I beg to say that the provision of the New Code, by which certificates under the various Acts for regulating the education of children employed in labour would be granted to children who passed in two out of the three subject, of the

standard prescribed by or under those Acts, was inserted solely for administrative reasons connected with the examination of these scholars. As the House is aware, if a child fails to pass in only one of the three subjects he will have to be presented next time in a higher standard, and hence considerable difficulty arose as to meeting the case of children who failed to pass in one of the subjects in the Standard, on the passing which they could no longer by law be kept in school, and who still, on being re-examined, would have to be presented under a higher Standard than the various Acts prescribed. I have never, however, been satisfied with our solution of the difficulty in this year's Code, as I think it was the intention of Parliament that when a child was compelled by law to pass a certain Standard he should have acquired that knowledge of all the three subjects—reading, writing, and arithmetic—which the standard prescribed, whether 3rd, 4th, 5th, or 6th, implies. We have again given the subject careful consideration, and I am happy to say that we see our way to getting over the difficulty by means of the various arrangements for examination which we have made in the New Code to meet the requirements of the Labour Acts. We shall, therefore, alter the wording of Clause 115, so as to secure that children must pass in the three subjects of the prescribed Standards before receiving a certificate under these Acts. I may mention, however, that we had a precedent for our former arrangement in the provisions of the Scotch Education Act of 1872, passed by the late Government, and which I suppose would be considered by them as the crowning work of the most advanced educationists, whereby a child is only required to read and write to enable him to claim exemption from compulsory attendance at school upon going to work. As to my hon. Friend's second Question, I will take care that such verbal amendment is introduced as to make it quite clear that the Standards alluded to are all those in any way prescribed under the various Acts; and I hope shortly to lay upon the Table these alterations of the Code, together with a few others which will be chiefly based on the valuable suggestions thrown out in the debate upon the Code by Gentlemen of knowledge in these matters on both sides of the House, and which, I

have reason to believe, will be generally acceptable to the country.

REGIMENTAL EXCHANGES BILL.

QUESTION.

MR. CHILDERS: I wish, Sir, to ask the Secretary of State for War a Question, of which I have given him private Notice, Whether it is intended, under the Regimental Exchanges Bill, that a field officer permitted to exchange should serve for the remainder of his original term of five years, or for the remainder of the term of the officer with whom he exchanges?

MR. GATHORNE HARDY: Sir, under the existing system of exchange precisely the same question would arise as under the Regimental Exchanges Bill, should it become law. No alteration whatever is made by the Bill in respect to it; and under the present Royal Warrant and Regulations there is no prohibition on the exchange of field officers. Exchanges in such cases, if sanctioned, would in no way interfere with the original position of either officer as regards the tenure of his appointment as field officer. Each would carry his own liabilities.

THE NEW FOREST SHAKERS—CASE OF MISS WOOD.—QUESTION.

MR. DILLWYN asked the Secretary of State for the Home Department, Whether the attention of the Government has been called to the re-arrest of Miss Wood, a member of the Shaker community, and whether they considered that the fact that she was arrested, set at liberty, and re-arrested within a few hours, was in accordance with the law?

MR. ASSHETON CROSS: Sir, I am glad to have the opportunity of making some explanation as to the re-arrest of Miss Wood, because out-of-doors the case seems to have been misapprehended. There has been no interference on the part of any one in order to secure her release. Miss Wood was put into confinement on the report of certain medical persons. When the medical certificate was examined in the first instance it was found defective. It was therefore sent back with the request that it might be amended in accordance with the statute, and in the course of time an amended certificate came. That amended certificate was also found de-

fective, and thereupon Miss Wood was discharged. Afterwards certain other medical men examined Miss Wood and signed a strong certificate as to her insanity, and under that certificate, as to the validity of which there is no dispute, she is still confined. But the attention of the Commissioners in Lunacy has been specially called to her case, and I am promised that a report respecting it will be made in a few days. As to the question whether I considered the law which authorized her re-arrest satisfactory, I should like to reserve my opinion.

ARTIZANS DWELLINGS BILL—[BILL 1.]

(*Mr. Assheton Cross, Mr. Selater-Booth, Sir Henry Selwin-Ibbetson.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Assheton Cross.*)

MR. MUNTZ, who had the following Notice of Motion on the Paper:—

"That it is expedient to make such provisions in the Bill as would allow purchasers or lessees of areas referred to in Clauses 5 and 7 to provide accommodation for persons of the working classes to be displaced in such areas, in such places other than the areas as might after due investigation be sanctioned by the local authorities,"

said, that he would not proceed with the Resolution, as the subject might be better discussed in Committee.

MR. CAWLEY moved, as an Amendment, that the Bill be referred to a Select Committee. He said, when the Bill was read a second time, a very short time had elapsed since the Bill was introduced, and many Members had not had an opportunity of examining its provisions. It was a measure free from all Party considerations, but was one of great importance, inasmuch as it deeply affected not only those specially mentioned in it, but, he might say, all classes of the community. It involved the health of all large towns, and indirectly the moral condition of the lower portion of the population. He proposed the Amendment from a conviction that it would be impossible to bring the Bill into a workable shape, and make it harmonize with the existing law, unless it was submitted to a Select Committee. The Bill, according to the Preamble, sought to do two things—first, it provided for the removal

of dwellings which had been proved to be injurious to health; and, secondly, it declared it to be expedient that provision should be made for erecting suitable dwellings for the working classes thus displaced. Whether such a course as the latter was expedient could not be fully discussed in this House; and, in his opinion, the Bill, as it was drawn, failed to carry out what it recited in the Preamble to be expedient. Before passing on to what the Bill could accomplish, it was highly desirable to bear in mind what could be done under the existing law, for nothing could create greater confusion than the re-enacting of laws to do that which there was power to do already. As far as related to the removal of unhealthy dwellings and their improvement, ample powers were given by the Act of 1868—Torrens's Act—and he could not see the utility of ignoring that Act in the framing of this Bill. It was quite true the Act of 1868 contained no powers for the erection by the local authorities of dwellings in the room of those that were pulled down; but whether that should be done was a point which must be thoroughly discussed at some period or other. While the Preamble recited that it was expedient to erect dwellings for the artizan class in the place of those that might be removed, the only provision in the Bill on that subject was of a negative character—namely, that the local authorities should not themselves do so without the consent of the Local Government Board. But nothing could be more unfortunate and mischievous than to permit local authorities to become proprietors of dwellings for the working classes in competition with private owners. Either there would be just complaints from private owners that the local authorities were letting dwellings built out of the rates at rents unfairly low, or artizans would raise an outcry that the local authorities were not doing that which the Legislature intended they should do. Now, he held that Parliament should not assist the artizan class out of the rates unless it was dealing with them as paupers. He asked the House whether the provisions in this Bill as to these restrictions being simply subject to the approval of a Government Department would be efficient and satisfactory in their working. If such restrictions were to be adopted they

Mr. Assheton Cross

should be laid down by Parliament itself. That was one reason why he thought the Bill should go to a Select Committee. Besides this, the House was aware that in 1872 an Act was passed, called the Public Health Act, combining all the Acts applicable to sanitary purposes under one title. Although the *Artisans Dwellings Act, 1868*, was one of the Sanitary Acts, it was not one of those included in the Consolidation Bill which had been laid on the Table. It would, therefore, remain in force, along with that which they were now discussing, in all towns and boroughs with more than 25,000 inhabitants. He could not think that a good specimen of consolidation. With the single exception of the special power of expending public money in the erection of these dwellings, he did not see anything in this Bill which could not properly be incorporated by small amendments on the other Sanitary Acts, without encumbering the Statute Book. He could not enter into a discussion of the probable effects of the Bill without remembering one or two painful circumstances. Much had been said about the benefits accruing from the removal of blocks of wretched property in the metropolis and the substitution of those valuable institutions—dwellings for the working classes. He rejoiced that such buildings had been erected; but let them not delude themselves by supposing that these superior buildings were occupied by the same class as those who inhabited the destroyed property. The reports of those new dwellings, satisfactory as they were, showed that they were occupied by a more respectable, industrious working population. Therefore, as regarded the displaced class—the most wretched, degraded, and unfortunate part of the population—these buildings left the sanitary question untouched. He did not expect this Bill would deal with that class. Either from dissolute habits or otherwise, they were unable to pay the rents charged for the new dwellings, and they were obliged to seek their residence elsewhere, as best they could. Indeed, they were little more than half paupers, and would have to be dealt with as such. What such a measure as the present should do was to give the local authorities full power to lay down restrictions for securing open streets, properly constructed

houses, and sufficient ventilation; and also to remove structures which were injurious to health. The evils now existing might be traced in a large number of instances to a simple cause—to the individual owner of property dealing with it as he pleased, regardless of the consequences to his neighbours. The borough he had the honour to represent (Salford) had statutory powers with reference to the arrangement of dwellings and for securing free ventilation superior to almost any other in the Kingdom. If these powers were possessed and carried into effect in all towns, very beneficial results would arise in the future. He attached great importance to their having decisive evidence as to unhealthy districts, without being left to mere opinion on the report of a medical officer. This could be accomplished, as it had been in Salford, by ceasing to rely exclusively on the average death rates for a whole community furnished by the Registrar General and obtaining the death rates for small local areas. In this way it was shown in Salford that, while the average was 26 or 28 per 1,000, there were small areas in which it was 50, 60, or 70, while there were suburban areas in which it was 17 or 18. He was anxious to see some provision made whereby it should be compulsory on the local authorities to have the death rate in the different localities published regularly, believing, as he did, that if it were once made clear to the public that such deadly places existed at their doors, means would speedily be taken to cure the evil. In that way more good would be done probably than could be effected by the provisions of this Bill. With respect to the medical officers, he did not like the way in which the Bill was drawn, because it imposed on them certain duties which already obviously belonged to them, and in that respect would rather afford them an excuse for neglecting their duties in other cases to which their attention was not directed. As to how far this Bill was likely to have practical effect, it was, in the first place, dependent on the action of the local authorities who were so fenced around that they would be able readily to find abundant excuses for not incurring the necessary expenditure. There were under this Bill various conditions precedent, which, in the majority of cases, would furnish the local authorities with excuses for doing

nothing at all. Then, it was not a mere question of increased death rate that was to be the ground for action on the part of the medical officers, but the prevalence of certain diseases, indicating a low condition of public health; but at present we tolerated an extent of disease which would alarm us if it were epidemic instead of being constant. Further, after the medical officer had made his report, there were again certain conditions precedent to action on the part of the local authorities, who, among other things, must be satisfied of the advantage that would accrue to the district from the application of the remedy. With regard to the improvement scheme which the local authority was to provide, he was at a loss to know exactly what was included in that scheme. As it stood in the Bill, it would be almost if not quite impracticable in the great majority of cases. The question of providing for persons displaced by the pulling down of houses suitable dwellings within a given area or district involved serious difficulties, which were only partially met by the way in which it was proposed to amend that part of the Bill. The hon. Member was proceeding to comment minutely on the clauses of the Bill, when—

Mr. SPEAKER said, that the hon. Member was going through the Bill clause by clause, as well as various Amendments to those clauses which were upon the Paper, and which would at the proper time come under consideration in Committee. The hon. Member was quite at liberty to discuss the main provisions of the Bill, but not to proceed in detail through the clauses.

Mr. CAWLEY begged pardon for being out of Order. He was sorry to be guilty of transgressing the Rules of the House; his object was not to discuss the Bill clause by clause, but to show that, according to its general principles, it was impossible to carry out its main provisions, and should therefore be referred for consideration to a Select Committee. In discussing the principle of the measure he wished to refer only to clauses involving that principle. When the clauses were taken together, the effect of the Bill was to seek to stereotype for ever the class of buildings which were to be built upon the land acquired for the purposes of the Act.

Mr. Cawley

When the clauses were read in connection with the Schedule the Bill went further, and not only sought to stereotype the use of the land for all time to come, but sought to do that in such a way as to deprive the owner of the property which existed now of the value that property might have, irrespective of the buildings that were upon them. Dealing with this as a general question, he ventured to suggest that nothing could be more unfortunate or mischievous than to attempt to stereotype a class of property in any particular part of our large towns. The owners, as the Bill now stood, were to be paid for the land according to the value of the property that was found upon it, regardless of the value of the ground as a site. If property of this kind was to be dealt with, it must be left subject to the operation of the laws of supply and demand hereafter. The Bill as it stood, and even as it was proposed to be amended, would prevent the owners of property in many cases from realizing the full value of their property, and prevent the development of commercial enterprise within important localities in the heart of our large towns. That part of the measure, therefore, ought not, he thought, to be allowed to pass. With reference to the Schedule, it was an amendment of the Lands Clauses Consolidation Act. It was, in fact, another Bill, containing as it did 33 clauses, while the Bill itself contained only 22. It was wrong in principle, in making that amendment applicable only to property taken from a particular class; and, apart from that, he maintained that whatever amendments might be required in the Lands Clauses Consolidation Act ought to be made not in this way but in a separate amending Bill, applicable to all cases where land was taken compulsorily. The method adopted in this Bill would be mischievous and unsatisfactory, and make the cost of acquiring property more expensive than at present. For these reasons, he would move that the Bill be committed to a Select Committee.

SIR THOMAS BAZLEY said, he had great pleasure in seconding the Motion of his hon. Friend the Member for Salford. He believed the tendency of the Bill was to give greater compensation to the owners of household property than they now received, and to

raise the rents on the occupants of their houses. Some change, no doubt, was required to be made; but he submitted that it ought to be at the expense of the owners of property, and not on the local authorities of a neighbourhood where it came into operation. He also believed that provision ought to be made for the conveyance of land at a more reasonable cost to purchasers, and without those heavy bills of costs to which they were now subject. For these and other reasons he thought it was desirable that it should be referred to the consideration of a Select Committee. For his own part he believed, however, that the working classes had among themselves better means and greater facilities for carrying out the system than the means proposed by this Bill. Some 10 years ago a building and investment club was formed in Manchester called "The Queen's Society," and as he became an honorary member, and subsequently President, he wrote to the secretary a few days since to give him some information of what had been done. Well, the answer he received was this. The deposits of the club in bank amounted, in round numbers, to £4,000,000 sterling, and 5,000 dwelling-houses were erected capable of accommodating 30,000 people. If such valuable results could be obtained by workmen themselves, what, he asked, was the use of such a Bill as the present? He could only say to the working classes of other parts of the country, "Go thou and do likewise." As the present Bill stood, he submitted that it ought to be referred to a Select Committee.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee," — (*Mr. Cawley*,) — instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GOLDNEY said, that with reference to the last observation of the hon. Member for Manchester, the object of this Bill was to enable him to say to parties who were desirous of building houses, "Go and do likewise." The difficulty was that courts and streets prejudicial to health belonged to owners who would not allow them to be removed; and the present Bill was introduced with the

object of overcoming that difficulty. He hoped the House would not approve the Motion, for if ever he had read a Bill simple in its character and well drawn, and proper for the House to deal with in Committee of the Whole House, it was the Bill now under consideration. Its principles and objects were contained in eight short clauses, three of which were explanatory; while the larger portion of the Bill dealt only with the machinery of arbitration. The hon. Member for Salford (*Mr. Cawley*) objected as to the ground on which public bodies should act, and did not seem to think that sickness and disease were the necessary ingredients to set a public body in motion. The object was to meet a general complaint which existed throughout the whole country, that unless some further provision was given to the local authorities for the purpose of removing buildings unfit for human habitation we should never get rid of the existing evil. Everything was provided for securing to the owners of property the fair marketable value of the land; and whether they were to build the cottages on precisely the same areas or not was a matter of simple detail. What the Bill provided was that where there were several owners, such as a freeholder, a lessee, and a sub-lessee, the local authorities should have the power of putting their finger upon a fever spot when it had been found so by the medical officer, with the object of getting rid of it. He trusted the House would see the necessity of dealing with a measure of this sort in the ordinary course.

MR. FAWCETT, in venturing to point out some of the shortcomings of this Bill, trusted the House would do him the justice to suppose that he was no less anxious than any one else that all should be done which could be done to improve the dwellings of the people of this country. What he particularly alleged against this Bill was that its operation would be so cumbrous, costly, and complicated that it would prove inoperative. It might be said that if the Bill should prove inoperative no harm would be done; but he entered an emphatic protest against the policy of passing inoperative Acts of Parliament. If a strong Government, supported by a large majority, should pass a law which did nothing towards improving the dwellings of the people, the inevitable

effect would be to cause heavy discouragement to all future efforts and to give an impression that the question was beyond Parliamentary control. But he took a strong preliminary objection to the scope of the Bill. It was entitled the Artizans Dwellings Bill, and he called that class legislation. Why should the artizans of this country, more than any other section of the community, require Parliamentary protection? Artizans were independent, and could take care of themselves just as well as any other class. But the fact was that the title was vicious and misleading, because the artizans with whom it was proposed to deal were not those who dwelt in the metropolis or in any of our large towns; and it was to be regretted that throughout the Bill the words "working classes" were forever cropping up. They occurred even in the Preamble, and, in his opinion, most wrongly; for, was it not just as much a duty to provide a dwelling for a poor clerk or for the widow of a small tradesman as for a member of the working class? Why should that special favour be shown to the working class? He thought that differentiating of a class and singling it out for special favour was a course that was fraught with the utmost peril, as it would encourage among persons of that class the idea that their interests were more worthy of the attention of Parliament than were the concerns and welfare of any other section of the community. Two exceptions contained in the Bill, he might add, appeared to him to be absolutely indefensible. How was the City of London excluded? It was very ingeniously brought into the first clause, but farther on it was provided that the expense of carrying out the Bill should be borne by the Metropolitan Board of Works, which should levy a general rate for the purpose, but that to that rate the City of London should not contribute. They knew, therefore, that the scheme would not be carried out in the City, and therefore the City would not contribute towards the expenses; but could it be said that the persons who lived by the thousand industries carried on in the City, and who were displaced by occasional clearances and improvements, were not just as well entitled to consideration as others who lived in different parts of the metropolis? And again, he was at a loss to know why the Bill

stopped short at a population of 25,000. An Act of a similar kind was passed in 1868, which went as low as a population of 10,000. Let them see what would happen under the Bill as it stood. Suppose a town with a population of 30,000, so as to come under the Bill, and contiguous to it another town with a population of 10,000, or village, as it would be termed in the north. Portions of the larger town being pulled down, the persons dislodged would be driven into the small contiguous town or village, and however 'unsatisfactory its condition might be, it would then be made ten times worse, and there was no legislation under the Bill to get over the difficulty. Besides, there would be the extraordinary anomaly that if the provisions of the Bill were carried out in the case of a town of 30,000 inhabitants, and if the Artizans Act of 1868 were put into operation in a neighbouring town with 15,000 inhabitants, the property dealt with in the two places would be removed under two entirely different principles of compensation, thus giving rise to all kinds of confusion, jealousies, and disputes. Now, there was, he contended, no justification for such exclusion as that to which he was referring. The heart-rending descriptions which had been given by the Secretary of State for the Home Department of the state of some of the courts and alleys in our large towns could be paralleled by those in the case of small towns and villages, especially under the operation of the Bill. Did not the right hon. Gentleman recollect how the public had been startled by the accounts which appeared in *The Times* last autumn as to the dreadful condition of Wiveliscombe? It was curious how anxious Gentlemen opposite seemed to be to remedy the evils in large towns, and how disinclined to do anything for those country districts which one would suppose were their special favourites. The sanitary state of many villages had been described by competent authority as "discreditable, disgraceful, horrible, and unworthy of a civilized and Christian country," while the hon. Member for Mid Lincolnshire (Mr. E. Stanhope), now a trusted Member of the Conservative Party, had spoken of the sanitary condition of the villages in Shropshire as simply "infamous." The Bill, he would further observe, might be divided into two por-

tions, to be carried out on two principles which were confused, costly, and complicated. The first portion referred to the clearing of unhealthy areas; the second to the appropriation of those areas when cleared. The former would, in his opinion, lead to such enormous expense that it would prevent the Bill from being carried into effect. When an area was condemned, and the houses were to be cleared, the owners of the property would have to be compensated, and what was the principle of compensation adopted? Under the Act of 1868, which was now in force, if a house was condemned as being unfit for human habitation, the owner was punished by receiving for it the minimum rate of compensation; but under this Bill, when a house was condemned, the owner was to be compensated on a principle which would give him the very amount that he could realize. The Bill said that the owner of a house must be compensated at the market price of his property, and he was informed by competent authorities that in calculating the market price, an element which they would have to take into consideration would be the income which the house was yielding at the present time. Now, it was perfectly notorious that the more disgraceful, the more overcrowded, and the more deficient was the state of many of these houses, the larger was the income they yielded; and the ratepayers would therefore see their money lavishly paid to owners who had allowed their property to fall into such a condition that it had to be condemned as unfit for human habitation. He was told that ominous rumours were spreading of the purchase of this class of property by house speculators in the expectation of getting large compensation under this Bill. Fifteen ratepayers, and therefore 15 owners of these tumble-down habitations could set in operation this Act, under which their property would be bought at the full market price by the local authorities. He believed that if the right hon. Gentleman would consult the local authorities, he would receive from them but one opinion—that the principle of compensation adopted in the Bill involved so much cost as to make it highly probable that it would produce but little beneficial effect. When hon. Gentlemen opposite sat on his side of the House, they said again and again that they

stood firm to the principle that no new charge whatever should be thrown on the rates until the incidence of local taxation was revised, and the system of local government was improved. He was afraid it would be found that strong declarations of the Party opposite, now that they were in power, would become as evanescent as the snow flakes that fell in a river. He wished the House to consider what would be the nature of the charge made on the ratepayers. The ground-rents of the new buildings would be equal to those of the old buildings, plus their annual value, plus the charge of bringing them into use, and plus the cost of arbitration, if the prices offered should be unsatisfactory. But, after all, the new buildings or the new sites might not be taken, and then the whole scheme would be inoperative. The money required was to be raised by loans, repayable, both principal and interest, in a fixed period of years. Supposing, therefore, the period was 21 years, the entire charge would fall on the leaseholder, while the owner, who had not contributed a penny, would reap the benefit by the improvement of the locality. Surely that would be a great injustice? All experience showed that if they cleared, for example, the courts and alleys of Drury Lane, and erected workmen's houses there, the new buildings would be tenanted by altogether a different class from those who had been displaced. He wished, further, to notice an extraordinary *hiatus* in the Bill. Clause 7 said the local authorities might sell or lease the land when cleared for the carrying out of the scheme of private individuals, or they might sell or lease it for the same purpose to a body of trustees; or, thirdly, they might, with the consent of the Government, carry out the scheme themselves. But supposing it cost £100,000 an acre to obtain and clear the land, and nobody was prepared to offer more than £10,000 an acre for it shackled by the proposed conditions as to rebuilding, and supposing the local authorities did not feel justified in accepting the £10,000, what then became of the scheme, and who was to carry it out? As the Bill stood, there was no security that the land, when cleared, would not lie perfectly idle, and nothing more be done. The Amendment to be proposed by the hon. Member for Maidstone (Sir Sydney Waterlow) con-

firmed that view; because its effect was, that if at the end of three years the scheme had not been carried out, then the land should be sold in the open market, without any condition at all as to the scheme. There were three courses, any one of which might be adopted by the Home Secretary. If the local authority was not prepared to carry out a scheme of improvement, the land might be sold to a private individual on the condition that the scheme should be carried out; secondly, that when the ground was cleared, they should sell it for any purpose which would procure the highest price, so long as that purpose was not opposed to the health of the community, and provide in some other locality residences equal to the number of those who had been displaced; and, thirdly, the land which was cleared, might be sold for whatever purpose the circumstances of the neighbourhood rendered it most suitable, and the erection of new houses might be left to be decided by the ordinary considerations of supply and demand. He hoped that before going into Committee the Home Secretary would state distinctly which of these courses he proposed to adopt. If the hon. Member for Salford (Mr. Cawley) pressed his Motion to a division, he (Mr. Fawcett) would vote with him, although he did not know where they would find five Members to sit upon it, the House having apparently gone "Select Committee mad," and every Member seeming to be engaged on one or more Select Committees. It was obvious that very little progress would be made with this Bill before Easter. The Notice Paper was crowded with Amendments, some of them to be proposed by the Home Secretary himself, and he (Mr. Fawcett) believed that it would greatly facilitate the progress of the Bill if the right hon. Gentleman committed it to-night *pro forma*, and reprinted it with the Amendments which he proposed to make.

SIR SYDNEY WATERLOW observed, with regard to the hon. Gentleman's (Mr. Fawcett's) objection to the Bill, on the ground of the enormous expense to the ratepayers which it would entail, that the Company with which he (Sir Sydney Waterlow) was connected had carried out six or seven schemes which would prove that what at first appeared

to be a great loss to the ratepayers would by the time the Bill came into operation become a large gain to them. The first scheme to which he would refer was one of two in the large parish of St. Pancras. It provided 104 new dwellings. The old assessment was £125; the assessment on the new buildings was £950, and the net annual increase to the rates, and therefore to the pockets of the ratepayers, was £205, whilst the ground rent of the property was only £80. Again, 140 new tenements had been erected close to King's Cross (Metropolitan) Station. The assessment of the old dwellings was £340, producing a rate of £85 per year; the new assessment was £1,141, producing a rate of £360 a-year, being an annual increase of £275. The ground rent was £135 a-year. In Westminster 135 dwellings had been erected, and the annual increase to the rates was £226, the ground rent being only £120. In the parish of St. Matthew's, Bethnal Green, 112 tenements were erected, and the annual increase of the rates was £182, the ground rent being only £50. It thus appeared that the local authorities would get, in the shape of new rates, a sum which would more than cover the interest which they would have to pay on the money they borrowed. The hon. Member for Brighton complained that the Bill did not apply to villages and small towns. He agreed with all that the hon. Member had said as to the state of cottages in villages and small towns, and he hoped that, if this Bill were passed, the Government would bring in a Bill next year dealing with the evil of overcrowding in small towns and agricultural districts. He hoped that hon. Gentlemen on both sides of the House would feel that they ought to go into Committee on this Bill. The evils which called for remedy were disgraceful to the nation and to Parliament, who had a general charge of the nation's affairs.

MR. GREGORY said, that the main object of the Bill was the abatement of the fever-haunted dwellings which were unfit for human habitation in the metropolis and in other large towns, and to provide for the erection of other more suitable houses in their stead. Considering the encumbered position in which property of this miserable description usually was, it would be impossible to carry out the objects he had indicated without some such measure as this, which

Mr. Fawcett

he believed would be effectual for the purpose in view. The Artizans Dwellings Act of 1868, although good as far as it went, was too limited in its operation to be effective, and did not afford the facilities which were required for dealing with the interests outstanding between the reversioner and the original lesser of properties, which were to be taken for the purposes contemplated. The hon. Member for Hackney (Mr. Fawcett), in calculating the market value of the property to be taken, had assumed that that value would be based on the amount of the annual income of the property; but there was a fallacy in that assumption, inasmuch as the market value of property of this description depended rather upon the security of the income and upon the trouble, risk, and expense of collecting it than upon the mere gross produce of the House. A good, well-established property in the City of London might be worth 25 to 30 years' purchase; but property of the wretched description that would be taken under this Bill might not be worth more than five or six years' purchase. In his opinion, the Bill afforded ample security for the improvement scheme being carried out, in the case of any property being acquired under its provisions. He trusted that it would not be referred to a Select Committee, but that the House would at once proceed to consider it in Committee.

Mr. GIBSON looked upon the measure as most admirable, and as being calculated to deal in a practical manner with a very extensive evil. He had submitted the Bill to the Dublin Sanitary Association, and to the King and Queen's Society of Physicians in Dublin, with the result that both those bodies had sent to him for presentation to that House Petitions in favour of the provisions of the measure being extended to Ireland. The hon. Member for Hackney (Mr. Fawcett) had committed an extraordinary mistake in saying that the City of London was excluded from the operation of the Bill. The fact was that in the City the jurisdiction under the measure would be given to the Commissioners of Sewers, while in the rest of the metropolis, exclusive of the City, it would be given to the Metropolitan Board of Works. The argument of the hon. Member for Hackney, as to the

result of the limit of population, would apply equally to towns of 5,000 as to towns of 25,000 inhabitants, for if people left the latter and went to smaller towns, because of the application of the Act, surely they might be expected to leave the former and proceed to country villages? For his part, he regarded the scope of the Bill as being more wide and beneficent than that of the Act of 1868. He was glad that the Government had a code furnished by the Irish Lands Clauses Consolidation Act, of the operation of which he had had much experience, and he did not doubt that the Bill would work well and give general satisfaction. He hoped the House would at once go into Committee on it.

SIR CHARLES W. DILKE observed, that if the hon. and learned Member for Dublin University (Mr. Gibson) were acquainted with metropolitan government, he would agree with his hon. Friend the Member for Hackney (Mr. Fawcett) that the City was virtually excluded from the Bill. If the Bill passed it would not, in his opinion, be put into operation in the City, although it was urgently needed there. His own constituents would be called upon to contribute large sums under the measure for the improvement of Drury Lane, for instance, and would have cause to protest strongly against the City being exempted from bearing its share of the expenditure.

Mr. ASSHETON CROSS said, he hoped that the Bill would now be allowed to go into Committee. He would not adopt the course so generously suggested by his hon. Friend the Member for Salford (Mr. Cawley), because he was determined, so far as he was concerned, that the rookeries referred to should be abolished. If they were to send the Bill to a Select Committee in order that the Amendments of his hon. and learned Friend might be considered, it would be better for them at once to proceed to some practical piece of legislation. With respect to the Schedule, it was nothing more nor less than an incorporation with the Bill of the Lands Clauses Consolidation Act. That Act had been in operation in Ireland for a very long time, and, as his hon. and learned Friend the Member for the University of Dublin (Mr. Gibson) had said, worked very effectually. It was also the fact that it worked cheaply and

conveniently. The hon. Member for Hackney (Mr. Fawcett) desired, with all due professions of favour, to strangle the Bill in another way. He suggested that the Amendments should be inserted in Committee *pro forma* and the Bill withdrawn till after Easter. He must respectfully decline to adopt that course also, as they were determined that the rookeries should no longer be allowed to exist, that the health of the people should be cared for, and that what they considered the most inexpensive and effectual means of securing those objects should be provided. The hon. Member for Hackney was of opinion that the City of London would be excluded from the operation of the Bill; but he could assure the hon. Member that, as there were places in the City that must be dealt with, so the City would have to spend the funds necessary to deal with them. Then, again, the hon. Member asked why, if the government extended the Act to places of 25,000 inhabitants, they did not make it applicable to country districts in many of which evils existed as great as in the towns. The reason was that Her Majesty's Government were of opinion that a different remedy would be required in those cases, and they were prepared in due time to apply the remedy which was in their minds. On the part of the Government he declined to apply this remedy, which he believed would work great good in large towns, to small villages, to which it would not be applicable. He believed that if they went into Committee they would be able to make the Bill a really workable measure which would do a great deal of good not only in the metropolis but in the country generally.

MR. CAWLEY said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill considered in Committee.

(In the Committee.)

MR. FAWCETT asked whether the hon. Member for Maidstone's Amendments had been placed on the Paper with the consent of the Home Secretary?

MR. ASSHETON CROSS said, he would discuss the question when they came to it. He had merely suggested

to the hon. Member for Maidstone the form in which his Amendments would be fit for discussion.

Clause 1 (Short title of Act).

SIR CHARLES W. DILKE said, he thought that calling the Bill "The Artizans Dwellings Bill, 1875," would give rise to some misconception. Artizans were a superior class of working people, earning from 30s. to 50s. a week, who were not likely to want these dwellings. The Home Secretary said that the primary object of the Bill was the extirpation of rookeries; and, if so, "The Towns Improvement Bill, 1875," would be a better title. He moved an Amendment, given Notice of by the hon. Member for Hastings (Mr. Kay-Shuttleworth), in page 1, line 28, to leave out "artizans," and insert "workpeople's."

MR. KAY-SHUTTLEWORTH considered the title of the Bill rather misleading, and that it ought to be altered. Artizans were, generally, pretty well able to take care of themselves.

MR. ASSHETON CROSS declined to accept the Amendment or the subsequent proposition of the hon. Baronet, on the ground that the Bill was never intended to be a Towns Improvement Bill. Its sole object was to provide better dwellings for a larger class of persons who were now compelled to crowd together in the wretched tenements too commonly found in large towns. He contended that he, as the author of the Bill, had a right to choose what title he pleased for it. He believed that he had selected the proper one.

MR. STANSFELD suggested that the Amendment would make the Bill more consistent.

LORD ROBERT MONTAGU observed, that it was entitled a Bill for "facilitating the Improvement of the Dwellings of the Working Classes in Large Towns." If it was intended to build dwellings for the working classes, the name of the Bill ought to be changed, and the words "working classes" ought to be substituted for the word "artizans."

MR. MUNDELLA contended that the artizans, skilled labourers, receiving good wages, were, as a rule, able to take care of themselves. The Bill applied to a poorer and more helpless class, and a more general title would better describe its nature and scope. The right hon. Gentleman said that, as the author of the Bill, he had a right to

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choose his own title. That might be—although he had always considered that the credit of this measure was due to his hon. Friend the Member for Hastings (Mr. Kay-Shuttleworth)—but he had no right, in his opinion, to choose a misleading one.

MR. GOURLEY supported the Amendment.

MR. ASSHETON CROSS said, the word “labourers” was used in conjunction with the word “artizans” in an Act passed a few years ago, and he had no objection to amend the clause by inserting the words “and labourers” after “artizans.”

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

PART I.

UNHEALTHY AREAS.

1. Scheme by Local Authority.

Clause 2 (Application of Act to certain districts and description of local authority).

MR. J. COWEN objected that the clause omitted from the operation of the Bill towns which contained less than 25,000 inhabitants, and he moved an Amendment for the purpose of extending the operation of the clause to all urban sanitary districts as defined in the Sanitary Act of 1872.

Amendment proposed, in page 2, line 7, to leave out from the word “England,” to the words “and the local authority shall be as follows.”—*(Mr. Joseph Cowen.)*

MR. ASSHETON CROSS admitted that there were houses in towns with a population of 10,000 in quite as bad a condition as those in larger towns; but to such places the same remedies as those proposed in the Bill for large towns were not applicable. For instance, in small towns the land outside was easier to get than in large towns, and if any place wanted to improve, the best plan was to buy the ground and build the houses; but in this Bill they were taking very strong powers—calling on the ratepayers to pull down houses and see that proper dwellings were provided. That was a very costly process at the outset, though it would pay in the long run; but in small towns he thought that by a little extension of the

Act of 1868 the same results might be effected.

LORD ROBERT MONTAGU, who had an Amendment to the same effect as that of the hon. Member (Mr. Cowen), said, it was not always easy to get land outside a small town for building. For instance, in the case of Folkestone, where he lived, and which might be matched with any town in England for abominable and pestilential holes from which scarlatina and fever were never absent, no land could be obtained. The whole land outside the town belonged to Lord Radnor, and he either could not or would not sell an inch of ground, and would only grant leases for a very short period. Only noble mansions, which were almost palaces, were allowed to be built, and for these a high ground-rent was charged. It was not likely he would give his consent to the building on that land of cottages for the humble working classes. He wished to follow the lines of the Public Health Act of 1872, and give the proposed powers to the authorities in the urban sanitary districts.

MR. SHAW - LEFEVRE said, he thought the Home Secretary meant to meet the case of rural districts to which Torrens's Act did not apply, and this being so, he was inclined to support his proposal to confine the operation of this clause to large towns.

MR. MUNDELLA said, he should be glad if the Home Secretary would extend the operation of the Bill to towns of 10,000 inhabitants. There was something like public spirit in the large towns, and a sense of decency and self-respect which made them take action in the matter; but in the small towns the conditions were altogether different. There was a want of public spirit in them, and the ratepayers were opposed to everything like expenditure. He knew small towns in the Midland Counties, and in Lancashire, which were in a most disgraceful state, and in towns like Over Darwen, the people were dying almost like rotten sheep from the condition in which they lived. He should feel grateful if the Home Secretary could see his way to extending the provisions of the Bill, so as to embrace those smaller towns, and at the same time find some means of making the adoption of the measure compulsory in those districts.

Mr. WHITWELL said, he did not think that the present Bill was applicable to the smaller towns; but he was glad to hear the Home Secretary say that he intended to deal separately with small towns according to their respective merits. With power to take land by compulsion, the case of these smaller towns would be better met in a separate Bill.

COLONEL BERESFORD referred to the unsanitary condition of some portions of Southwark, and thought, from the way in which he had spoken, that the hon. Member for Sheffield (Mr. Mundella) must be profoundly ignorant of London.

SIR ANDREW LUSK said, he thought the people in small towns were not so badly off for air and comfort as the inhabitants of large towns. We ought to begin with the latter, and not put too much pressure at the first upon the public.

Mr. GOURLEY expressed a hope that the hon. Member for Newcastle (Mr. Cowen) would take the sense of the Committee on his Amendment. There was quite as much necessity for the improvement of the dwellings of the working classes in the rural districts as in our large towns.

LORD ROBERT MONTAGU observed, with reference to the remarks of the hon. and gallant Member for Southwark (Colonel Beresford), that the question was not whether worse dens of filth were to be found in London or in other large towns than existed in the smaller towns; all that the supporters of the Amendment asserted was that in those smaller towns unhealthy rookeries did exist, and that they ought to be removed.

Mr. STANSFELD pointed out that urban sanitary districts in this country often contained a very limited population—as low sometimes as 300 or 400 persons. He was not in favour of granting exceptional powers to such very small constituencies, and therefore he should vote against the Amendment.

Mr. FAWCETT said, he thought an urban district under the Act of 1872 must be “a populous place,” but even if his right hon. Friend the Member for Halifax (Mr. Stansfeld) were right, that was no reason why this provision should not be extended. The Committee had been told not to be too hard upon the

ratepayers in small towns—as though it was proposed to bring them under some penal statutes; and the right hon. Gentleman seemed to suggest the local authorities in small towns might fall into the temptation of putting the Act in force. Suppose they did, and pulled down a house which was reported by medical authority as a cause of disease—such a proceeding would be a public benefit, not a public injury. The Home Secretary rested his opposition to the extension of the Bill on the assertion that in towns of 10,000 inhabitants and under, one could always in the immediate neighbourhood get land for the building of houses for the working classes; but the fact was exactly the contrary. In many small towns one could not get land for love or money, because it was possessed by one, two, or three great proprietors, and the most stringent regulations were made in the leases that only houses of a particular character could be built—houses of a character which it was impossible for working men to live in. It was not consistent with the dignity of the House to legislate in this piecemeal fashion, having a small Bill now, an amending Bill next year, and so on. If the Home Secretary was determined to get rid of these unhealthy places in towns of 25,000 inhabitants, one was at a loss to see why, in the name of common sense, he should not deal in the same way with towns of 15,000 inhabitants.

Mr. JAMES said, he thought that if any legislation was attempted it should be as complete as possible, and was inclined to think the Bill should apply not only to urban, but to rural sanitary districts. Knowing well the neighbourhood of Folkestone, he could say that the condition of the rural poor between that town and Dover was infamous and disgraceful.

Mr. EARP urged the hon. Member to press his proposal to a division, for there could be no doubt that many small towns were in a fearful plight. The town he represented (Newark) would be glad to possess the powers which this Bill might give them. With a population of 14,000, it was expanding on every side, yet there was only one owner in the neighbourhood who was willing to let his land on building leases. Fever of a virulent kind had lately broken out there. He would give

other towns than those of 25,000 inhabitants, where a suitable authority existed, the power to apply the provisions of this Bill if they thought fit to do so.

MR. STANSFELD entirely admitted that there were reasons for extending this Bill to towns below the proposed limit; but, on the other hand, he saw serious objections to giving such powers, though only permissive, to the smallest urban sanitary authorities.

Question put, "That the word 'containing' stand part of the Clause."

The Committee divided:—Ayes 99; Noes 36: Majority 63.

MR. MUNTZ moved an Amendment, in page 2, line 9, to leave out "25,000," and insert "10,000," as he wished to apply the provisions of the Bill to a larger number of towns. It was invidious to mention the names of places; but he believed it would be found that towns with a population of 10,000 had houses as remarkable for dirt and infamy as those with a population of 25,000.

Amendment proposed, in page 2, line 9, to leave out "25,000," and insert "10,000."—(*Mr. Muntz.*)

MR. ASSHETON CROSS said, he was afraid that he could not adopt this Amendment. His original intention had been to confine the operation of the Bill to towns of 50,000, but he was induced to extend it to populations of 25,000, which would really let in a considerable number of large towns. He wanted to give the Bill a fair start as far as the large towns were concerned, and there would in that case be less difficulty in extending its operations. Were they to make it at the outset applicable to towns of 10,000, the local authorities would not work it as it ought to be worked, the opposition of the ratepayers would be aroused, and the measure might become unpopular. At the same time, it was the intention of the Government to apply a different remedy to towns with a population of 10,000, which he hoped would have considerable effect in reducing the evils which he quite admitted existed in such places. There was the less necessity for doing what was asked by the hon. Member for Birmingham, as he would, when the convenient opportunity arrived, bring in a separate and a more suitable Bill to deal with the small towns.

MR. WHITWELL, admitting the difference between large towns and small ones, advised the acceptance of the Home Secretary's assurance and the withdrawal of the Amendment.

MR. STANSFELD pointed out that this was a permissive Bill, and therefore he did not understand the reasoning of the Home Secretary when he said he was afraid that the Bill would become unpopular if it were applied to towns of less than 25,000 population, because of the pressure on the rates. It was impossible to rely, where the population was small, upon the sanitary authority as a fairly representative body likely to act in the public interest. He had a shrewd suspicion that in such districts the boards consisted of surveyors, builders, and local solicitors, who attended more to their own than the public interest. As the Home Secretary had foreshadowed another Bill for small populations, of which the Committee knew nothing, and as no definite reason had been given for stopping at 25,000, he should support the Amendment.

MR. CAWLEY said, he had not heard a reason for stopping at 25,000, except the insufficient one that they might frighten the ratepayers, and he preferred to adopt 10,000, both because they had already done so in Torrens' Act, and because there were towns of 10,000 which greatly needed some such Bill.

LORD ROBERT MONTAGU said, he would remind the Committee that under the Municipal Corporations Act of 1834, towns of less population than 10,000 were entrusted with quite as great powers as were to be vested in towns of 25,000. The Home Secretary said he feared that to adopt the Amendment would be to make the Act costly and frighten the ratepayers. Now, as the Bill was permissive, his own fear, on the contrary, was that the Act would not be put into operation. The people who were frightened were not the ratepayers, but the right hon. Gentlemen on the Treasury Bench, who had evaded their promises last Session by alleging that they had not had time to settle the question of Local Taxation, and who in the present Session had forgotten all about it.

THE CHAIRMAN reminded the noble Lord that the Question before the Committee was whether the numbers should be "25,000" or "10,000."

LORD ROBERT MONTAGU said, he would submit himself to the Chair; but he thought that the Home Secretary had treated the House rather unfairly when he said that he had got a plan *in petto* for dealing with the smaller towns. It was not fair, however, to ask the Committee to legislate in the dark, and they ought to know what the right hon. Gentleman proposed to do.

MR. GOLDNEY said, that there already existed an Act, passed in 1868, which authorized the local authorities of towns of 5,000 inhabitants to remove and order to be pulled down houses that were unfit for human habitations, although it did not give them the power of building them up again. The present scheme was not only for pulling down, but for re-building.

MR. DODSON said, the question before the Committee was the Amendment of the hon. Member for Birmingham (Mr. Muntz)—namely, that the Bill, in its operation, should not be confined to towns having a population of 25,000, but that it should apply to towns with populations of 10,000 and upwards. The assumption of the duty by the local authorities was entirely optional. They were told that the Bill was a permissive and simple Bill; but it was a Bill containing 22 clauses, and comprising 22 pages, and he would say that there never was a measure introduced with so much pretension which reduced itself to so small a point. The only difference was that towns might obtain a Provisional Order under this Bill, instead of applying for a Private Bill.

MR. GOLDNEY said, that under the Bill, when the urban sanitary authorities had passed a scheme, it would be the duty of the local authorities to purchase land and carry out the scheme. That was not to be called a Permissive Bill.

SIR ANDREW LUSK said, his constituents did not consider the Bill as merely permissive; on the contrary, they thought it a most compulsory measure. For instance, the confirming authority could come and say—"Those houses must come down." Now, that was a great power. If 20 persons were to get up a requisition to the authorities in matters comprised in the measure, the local authorities must act. He did not think they should press the Bill too strongly. As far as his own constituency

(Finsbury) was concerned, he felt that it would be very hard to work it.

MR. FAWCETT said, they now had only got through about half of Clause 2, and that being so, what could they know about Clause 7, which was said to be permissive? With respect to the Amendment of the hon. Member for Birmingham (Mr. Muntz), proposing that the Bill be made to apply to small places containing populations of 10,000 and upwards, as well as to large towns with populations of 25,000 and upwards, the right hon. Gentleman the Home Secretary admitted that there were places in small towns requiring similar legislation; but in small towns the Bill was not obligatory in reference to building. The right hon. Gentleman said it would become the duty of the local authorities to carry out the scheme. Now, the clause did not say that the local authorities "shall" carry out the scheme, but that they "may" carry it out. It was contended that the Bill was purely permissive; but if the clause was correct, he contended that the argument of the right hon. Gentleman was correct—there was no obligatory power to compel the local authorities to carry out the scheme.

MR. CAWLEY said, hon. Members seemed to be confounding the terms "permissive" and "obligatory."

MR. MUNTZ said, the hon. Member for Finsbury (Sir Andrew Lusk) need not be uneasy on the question of his Amendment, for it referred to populations under 25,000, and the population of Finsbury was above that. The difficulty in the case of large towns was, that in them land was sold at enormous prices.

MR. ALDERMAN COTTON said, the right hon. Gentleman the Home Secretary said he would bring in a Bill to deal with the small towns, and, in his opinion, it would be wise not to postpone the present measure, on the principle that "a bird in the hand is better than two in the bush," and that there was a great difference between a population of 2,000 or 3,000, and one of 10,000 to 25,000—a population of 25,000 occupying a very large area; while the minimum of 25,000 would shut out some very important towns, even one of 24,999.

MR. RITCHIE approved of the suggestion of the hon. Gentleman the Mem-

ber for the City of London (Mr. Alderman Cotton), and thought that if the taxpayers were to be relieved in some places, it would be well if they were also considered in small places.

MR. E. STANHOPE said, the main reason for not applying these regulations to the smaller towns was that the small sanitary authorities would not, from well-known causes, carry them out. He agreed in the opinion that the same rule should be applied alike to small towns and country districts; but held that they required a totally different machinery from that to be applied to large towns.

MR. KAY-SHUTTLEWORTH said, the Amendment of the hon. Member for Birmingham was to extend the Bill to places with a population of between 10,000 and 25,000. The Home Secretary said he had another Bill which he meant to introduce to deal with the country and the small towns; but he (Mr. Kay-Shuttleworth) submitted that the food which was good for populations of 25,000 would be more suitable for small towns having populations of 10,000 and upwards than that which would be applicable to agricultural districts. He quite agreed in the remark of the hon. Member for London (Mr. Alderman Cotton) that it was better to have "one bird in hand than two in the bush." With regard to the Act of the hon. Member for Finsbury (Mr. Torrens), it gave much more stringent powers to local authorities than those of the present Bill; and that Act applied to all towns of not less than 10,000 inhabitants.

MR. SAMUDA said, he should support the Amendment of the hon. Gentleman the Member for Birmingham. He thought the Bill should be so framed as to range with the Act of 1868, for nothing could be more inconvenient than to have one mode of assessment for populations of 25,000, and another for populations of 10,000. He thought, therefore, that the Committee could not do better than to let the Amendment of the hon. Member for Birmingham take effect.

MR. ASSHETON CROSS said, it was an inconvenience which could not perhaps be helped, that hon. Members who had come in after the earlier discussion on the clause should speak, although the result was that they urged argu-

ments which had been answered over and over again. The right hon. Member for Chester (Mr. Dodson) was an instance. He could never have done what the House had done, read the Bill a second time; and he must be utterly ignorant of the real character of the Bill and the clauses it contained, or he would never have made the statement he did, that after great professions it turned out to be nothing at all. Having said that, too, he was yet most anxious that the Bill should be extended to towns of 10,000 inhabitants. He hoped before the House again got into Committee his right hon. Friend would read the Bill a second time, and then he would be better able to explain its provisions. He (Mr. Cross) admitted that, as a rule, towns with 10,000 inhabitants would be just as well able to administer the Bill as towns with 25,000 inhabitants. His anxiety, however, was that the Bill should work. It would be applied tentatively to large towns. As regarded smaller places, there would be a great outcry among country ratepayers, who did not see the prospective good of the Bill if it were applied to them. Not one instance had been cited to show that local authorities in the small towns had availed themselves of the provisions of Torrens' Act. When they came to the Government and said they had exhausted all the powers they already possessed, the Government would be quite willing to increase their powers.

SIR EARDLEY WILMOT regretted that his right hon. Friend the Home Secretary had not acceded to the earnest request made on both sides of the House to apply the Act to smaller towns. In the case of a town like Leamington, with 22,000 inhabitants, heartily approving the Bill, it was a pity that the local authorities would be unable to put it into force.

MR. DODSON repeated that this Bill was a permissive one, because the local authorities were only to apply for a Provisional Order upon their being satisfied with the representations made to them. It would be, therefore, optional on their part to apply the Bill.

Question put, "That '25,000' stand part of the Clause."

The Committee *divided*:—Ayes 124; Noes 102: Majority 22.

MR. ASSHETON CROSS said, the hon. and learned Member for the University of Dublin (Mr. Gibson) had given Notice of an Amendment to insert after the word "upwards" in Clause 2, page 2, line 9, the words "(4.) Urban sanitary districts in Ireland, containing, according to the last published Census, a population of 10,000 and upwards." In the absence of the hon. and learned Gentleman, he would move now his Amendment, substituting, however, the limit of 25,000 for 10,000.

Amendment proposed,

In page 2, line 9, after the word "upwards," to insert the words "Urban sanitary districts in Ireland containing, according to the last published census, a population of 25,000 and upwards."—*(Mr. Assheton Cross.)*

Question proposed, "That those words be there inserted."

THE O'CONOR DON said, that as there was scarcely any town in Ireland with a population of 25,000, the Bill if extended to that country, with that limit, would practically be inoperative.

MR. RONAYNE said, to raise the number to 25,000 was perfectly absurd. It would only, in that case, apply to five towns in Ireland, while the rest of the country would be entirely neglected. Even, at present, they had great difficulty in raising money for sanitary purposes. In the City of Cork the authorities applied to the Board of Works for a loan; but were told they could only advance half of what was asked, and they were prevented by law from raising the remainder. It was absurd to make the number 25,000, and he should move, therefore, that the number be 10,000.

Amendment proposed to the said proposed Amendment, to leave out "25,000," and insert "10,000."—*(Mr. Ronayne.)*

MR. ASSHETON CROSS said, it was proposed originally that if a Bill of that kind was wanted for Ireland, the case of that country should be dealt with in a separate measure, because the circumstances of the two countries might, perhaps, be different. But he thought the Irish Members wished England and Ireland to be treated alike, and it was only on the understanding that the provision should be the same for both countries that he had consented to move the Amendment of the hon. and learned Member for the University of Dublin.

If, however, it was likely they were to have a lengthened discussion on the Irish question, he would rather withdraw the Amendment.

THE CHAIRMAN reminded the right hon. Gentleman that that Amendment could not be withdrawn, unless the Amendment of the hon. Member for Cork were withdrawn first.

MR. MUNDELLA said, he thought, if there was reason for extending the operation of the Bill to town populations of 10,000, there was much more reason for that course with regard to Ireland. If the figure was to be kept at 25,000, there were only five towns in Ireland to which the Bill would apply; and was the Government going to talk about improving the dwellings of the working classes, and apply the Bill as regarded Ireland to those five towns only? He trusted that the hon. Member for Cork would press his Amendment to a division.

MR. HEYGATE said, he thought it would be better that the original Amendment should be withdrawn, than that a different number should be fixed for Ireland from that which had been fixed for England.

CAPTAIN NOLAN supported the Amendment of the hon. Member for Cork, and suggested with reference to the remarks of the Home Secretary, whether Ireland would be likely to occupy the time of the House less if they were to have a separate Bill.

MR. EARP remarked that the Home Secretary spoke on this subject now rather as if it were a matter of population than a matter of fever. The spirit in which Members were now met by the Home Secretary was not in accordance with that in which the right hon. Gentleman introduced the Bill, when he described the existing fever haunts and spoke of dwellings where the very walls and floors were saturated with fever. It was not consistent with the spirit in which the right hon. Gentleman made those remarks when introducing the Bill, that he should now say that the Bill was not to be applied to towns of small population. He trusted that the hon. Member for Cork would divide the Committee, and that if justice was not to be done to England in this matter we, should at all events have justice done to Ireland.

LORD ROBERT MONTAGU observed, that if the question was complicated by its application to Ireland, it was the

Home Secretary himself who introduced that complication. The right hon. Gentleman challenged the opinion of Irish Members upon it. He had been told that if the line were drawn at 25,000 there were only five towns in Ireland to which the Bill would apply; and was it worthy of a great Government to propose a measure for Ireland which would apply only to five towns? He would recommend the Home Secretary to agree to the number being fixed at 10,000.

MR. MACGREGOR said, that last Session during the discussion on the Licensing Bill, it was decided that the power of saying what was a populous place should rest with the magistrates. Now, he thought what they did then might furnish them with a means of settling the present difficulty. The local magistrates would know whether their own towns were in such a state as to require the application of the provisions of the Bill, and it might therefore be left to them to declare whether the town was such a populous place that the Bill ought to be applied to it or not.

MR. J. S. HARDY was surprised to hear the Irish Members who were advocates of economy make such a proposition as that, as it would lead to the demolition of all the existing residences of the working classes and the erection of new ones at the cost of the ratepayers.

MR. RONAYNE reminded the hon. Gentleman that the suggestion in question had come from a Scotch and not from an Irish Member. He himself should certainly be unwilling that the magistrates, who were the representatives of the landed proprietors, should have anything to do with it.

MAJOR O'GORMAN said, he was at a loss to know why the Home Secretary, when so charitable to 25,000 persons, should not be equally charitable to 10,000. There were only four towns in Ireland with populations above 25,000 each; but while Ireland could parade only these four towns with populations of that extent, she could parade others with populations of as much as 10,000, and by adding these together it would be easy to multiply the populations of 25,000.

Question put, "That '25,000' stand part of the said proposed Amendment."

The Committee *divided*:—Ayes 138; Noes 117: Majority 21.

THE O'CONOR DON said, that, after the decision that had been come to, it was perfectly useless to extend the operation of the Bill to Ireland, and they had better at once accept the proposal of the Home Secretary to exclude that country from its operation.

MR. P. J. SMYTH begged to move that the number be 12,000.

THE CHAIRMAN decided that the Motion was informal, as the Committee had already decided that the words "25,000" should stand part of the proposed Amendment.

Original Amendment agreed to.

MR. FAWCETT proposed an Amendment, to the effect that the City of London should not be considered a district in itself, but should, for the purposes of this measure, merge into the metropolis at large. The City was represented at the Metropolitan Board of Works, and would, were the City to be constituted a distinct district, be voting away the money of the ratepayers of the other parts of the metropolis. There was no reason why the City should not contribute its fair quota, to the cost of clearing out the rookeries which it had itself created by the Holborn and other improvements, in carrying out which they had destroyed a large number of dwellings.

Amendment proposed, in page 2, line 11, to leave out the words "as respects the City of London, the Commissioners of Sewers, and." — (*Mr. Fawcett.*)

MR. ALDERMAN COTTON reminded the Committee that the City of London had expended large sums on their bridges, which were open to the entire metropolitan population, and they had spent £2,500,000 on the Holborn Viaduct, which was an advantage to the entire of London. They had many "rookeries" in the City which they would remove, if the Bill passed—in Houndsditch, Whitecross Street, Cripplegate, and the neighbourhood of Fetter Lane, and many other districts, and that work they would willingly undertake and carry out. They were desirous of providing suitable dwellings for their own poor, and of keeping them in the neighbourhoods in which they were employed. The total amount paid to them by the Metropolitan Board of Works

between 1858 and 1875 was £197,127, whilst the City had contributed to the Metropolitan Board no less a sum than £580,584. He thought the Metropolitan Board and the City authorities ought each to be left to the management of their respective districts.

Mr. SAMUDA said, he did not agree with the hon. Member for Hackney (Mr. Fawcett), and he was of opinion that the City authorities ought not to have the control of matters in their own district taken out of their hands. A large number of "rookeries" within the City of London required to be removed and replaced, and that duty ought to be left in the hands of the City authorities. It was quite another matter when the time came to consider how to replace these rookeries with buildings such as the Bill contemplated; and it appeared to him that there was some force in the proposal of his hon. Colleague's (Mr. Ritchie's) Amendment to the 15th clause, which he should support when it was reached.

SIR JAMES HOGG said, that the Amendment had taken him by surprise, for he had not heard of it till he came to the House that evening. He could only say that the Metropolitan Board were content to carry out their portion of the work, and to leave to the City the work which they would find to do under the Bill.

Mr. RITCHIE regarded the proposal to divide the metropolis into two parts as a step in the wrong direction. The tendency of late years had been to equalize rates, and in all matters connected with sanitary improvement London should be treated as a whole. Considering that the City would benefit by the general improvement of the metropolis, he argued that it would be unfair to exempt it from contributing anything to the cost of carrying out the Act. If the hon. Member for Hackney pressed his Amendment to a division he should go into the Lobby with him.

SIR SYDNEY WATERLOW said, he hoped the Committee would not go to a division. The hon. Member for Hackney had said that, the Bill being a permissive one, the City would not put it in operation, and he said, by way of evidence, that the corporation in making the Holborn Viaduct swept away great numbers of workmen's dwellings, and did not replace them. The fact was that

within two minutes' walk of the Holborn Viaduct they had erected 168 dwellings, occupied by 800 persons, and within a stone's throw they were erecting another similar block, at a cost of £24,000 or £25,000, which would be completed in the approaching summer. The Corporation had set an example worthy to be followed by all other corporations in this respect. He trusted that the Bill would remain as it had been introduced by the Government, and that they might be left to do their own work with their own money, and that the Board of Works might also do its work with its money.

SIR CHARLES W. DILKE supported the Amendment of the hon. Member for Hackney, and stated that the Bill would not apply to any portion of the borough which he represented (Chelsea); but the inhabitants would have to contribute equally with the other districts of the metropolis. It was important that there should not be any pretext for supposing that an injustice was done to any district; and therefore the City ought not to be exempted from contributing in like manner to the other metropolitan districts for the benefit of the whole metropolis.

Mr. ASSHETON CROSS said, he could not accept the Amendment. He believed there were a great number of places in the City which must come under the operation of the Bill, and he also believed that the City would set an example to other towns and cities in England, and show how the Bill could be worked. It would be rather a strong thing for the House to say the ancient and powerful Corporation of London should not be entrusted with the reform of their own courts and alleys. That would be an insult to the City of London, which he did not think the House would offer. If the City Corporation could not be trusted, what other corporate body could they trust?

Mr. LOCKE confessed to having no great love for the City of London, which had always taken very great care of itself. No one could get an entrance into the dwellings referred to by the hon. Member (Sir Sydney Waterlow) without paying a rent of 5s. 6d. a-week, and that was too expensive for a working man. It would not be right that the richest section of the metropolis should stand aloof from the poorer sections, in a reform by which all would be equally

Mr. Alderman Cotton

benefited. The City of London had swept away an immense number of houses of the worst description, and were they to boast of their liberality in spending £24,000—an enormous sum to come out of the pockets of the City of London—in replacing those dwellings?

SIR FREDERICK PERKINS, as an advocate for equalization of rates, thought that the City of London ought not to be exempted in the present instance from contributing its fair quota of taxation for carrying out the provisions of this useful measure.

MR. W. GORDON contended that there was no necessity for including the City in this clause, because the Corporation had always been anxious to promote the well-being of the poor. With regard to Chelsea, as a Representative of that borough, he approved of the Bill, because it would sweep away those rookeries, especially in the northern part of the borough, which were a scandal to a civilized community, and in their place give comfortable dwellings for those who needed them most.

MR. MUNDELLA admitted that the City deserved great credit for the vast improvements they had made; but, at the same time, no one could shut his eyes to the fact that the persons employed in the great factories and warehouses lived outside the City, and that by this Bill they were, in fact, exempting the wealthiest portion of the metropolis from its fair share of the expense of properly housing the working classes.

MR. KAY-SHUTTLEWORTH said, the Amendment would deprive the Corporation of the power of effecting improvements within its district. He was not inclined to go so far as that. He would support the Amendment of the hon. Member opposite (Mr. Ritchie), which would raise this question properly under the 15th clause; because, considering the rateable value of the City of London, its share of the cost of the improvements contemplated by the Bill would be comparatively small.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 222; Noes 84: Majority 138.

Clause, as amended, *agreed to*.

House *resumed*.

Committee report Progress; to sit again *To-morrow*.

VOL. CCXXIII. [THIRD SERIES.]

REGIMENTAL EXCHANGES BILL.

(Mr. Secretary Hardy, Mr. Stanley.)

[BILL 3.] THIRD READING.

Order for Third Reading read.

MR. GATHORNE HARDY, in moving that the Bill be now read a third time, thanked hon. Members opposite for their courtesy in allowing it to pass this stage without placing Amendments on the Paper.

Motion made, and Question proposed, "That the Bill be now read a third time."—(Mr. Gathorne Hardy.)

MR. DILLWYN said, he had given Notice of no Amendment, not from any liking for the Bill, but because he believed there was no use in doing so. He had seen throughout the debates that arguments were of no avail whatever. Every argument in Committee, he thought, had been made in favour of the opponents of the Bill; but still they were determined to pass it. He regretted that it should pass, because he believed it would re-establish a system of purchase of which they had got rid at such an enormous expense to the country. [MR. GATHORNE HARDY: No! no!] The right hon. Gentleman says "No"; but he (Mr. Dillwyn), while he gave the right hon. Gentleman credit for believing the measure would not lead to a return to the system of Purchase, could not but express his apprehension that it was the thin end of the wedge, and that it would result in a return to that system. During the many years he had been in the House he had never seen, as regarded an important public measure, such an evident determination not to assent to any Amendment as had been shown by the promoters of this measure.

MR. CHILDERS wished to say a few words as to the effect which he believed this Bill would have when passed. He considered it inconsistent with all recent legislation, mischievous as a precedent, and most inopportune. It was inconsistent with all our former legislation, because the position would be this, that while we should have two Acts—one passed in the reign of Edward VI. and the other in the reign of George III.—under which trafficking in offices had been declared disgraceful, and those taking any part in such transactions were held guilty of a misdemeanour and liable

to lose those offices; for all that, the present Bill proposed that one particular transaction—a payment for Army exchange—should escape the penalties of the Act, provided it were concealed from the military authorities. There was no instance of any such statute with regard to any other branch of the public service. Then the Bill was mischievous as a precedent, for if it passed, although the right hon. Gentleman opposite had not the least intention of re-introducing the system of Purchase, the re-introduction of that system was almost inevitable. Out of the five branches of which purchase consisted, three, at least, would be restored—exchange under this Bill, exchange to and from half-pay, and payment to induce an officer to retire. The passing of such a Bill was inopportune, because we should be asked next year to improve the pay and retirement of officers; and what would be the answer? The answer would at once be—"In 1875 you passed a measure the avowed object of which was to make up for the inadequate pay of the officer indirectly, and how can you now come and ask us to pass a law to add to his pay in a direct shape?" He would not offer any further opposition to the Bill; but for these three reasons he regretted that such a measure should be passed, and he believed that two or three years hence no one would regret its passing more than those for whose benefit it was said to have been brought forward.

MR. WHALLEY said, he had heard no arguments during the debates which had altered his opinion that a more injudicious policy than the abolition of purchase was never adopted. The purchase system, in so far as it introduced the volunteer element into our standing Army, prevented it from becoming a mercenary Army, and kept it a constitutional force. He would therefore readily forget the sacrifice of the £7,000,000. which it cost to abolish Purchase if by any effort the system could be restored. When he sat on the other side of the House he voted for the retention of the system of Purchase, and protested against the unconstitutional and violent means by which it was abolished. He thanked the Secretary of State for War for the manner in which he had introduced and defended his measure, which he accepted

as a judicious step towards the restoration of the system of Purchase.

Question put, and *agreed to*.

Bill read the third time, and *passed*.

MUTINY BILL.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Gathorne Hardy*.)

MR. P. A. TAYLOR moved that the House resolve itself into Committee of the Bill that day month. He appealed to the Government not to go on with the Bill at that late hour, as there was a strong feeling in the House and the country unfavourable to the mode in which the Mutiny Bill was generally shuffled through the House, and especially because he had been promised more time for the consideration of its provisions.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"—(*Mr. P. A. Taylor*.)—instead thereof.

MR. STEPHEN CAVE said, there was no reason for asking for the postponement of the Committee. He would not think of stealing a march upon the House in regard to the Bill, and in this instance he had followed the usual course. So far as he could ascertain it had never been the custom to print this Bill before the second reading. This year it was read a second time on the 10th of March and was in the Bill Office on the 15th. On the 16th the Government Amendments were placed on the Paper, so that hon. Gentleman had the last two days to propose any Amendment they thought desirable. The Government Amendments this year were purely of a formal character, and the old Act which had been an entire year in their hands, was the matter which they really intended to discuss. The usual time between the second reading and the Committee had not for years with one exception exceeded two days, and had often been much less, whereas he had given eight. It was his duty to take every opportunity of making progress with the Bill.

CAPTAIN NOLAN objected to their discussing at that late hour the details of a measure which affected the non-commissioned officers and privates as much as the Bill they had just passed affected the commissioned officers.

MR. W. E. FORSTER understood the Judge Advocate had promised the hon. Member for Leicester a fair time for the discussion of his objections, which could not take place at that late hour.

MR. GATHORNE HARDY explained that with the exception of one clause this Bill usually passed without comment; but if any point was raised in Committee it would not be carried further at present.

MR. STANSFELD said, there was a growing disposition to scrutinize the clauses of this Bill, and although there might be little change in it, it was usual for Members to wait until a Bill was printed before examining it.

MR. DISRAELI said, they could go into Committee, and when they arrived at any point that provoked serious discussion they could report Progress. The Mutiny Act was never changed; everybody was familiar with it; and the objections of the hon. Member for Leicester and of all other Members would be fully met by proceeding until they arrived at a debatable point, and then reporting Progress.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee.

Clause 1.

MR. MONK moved that the Chairman report Progress.

SIR WILLIAM HARCOURT supported the Motion, on the ground that Amendments and alterations had been made in the Bill, which could not be distinguished in the text.

MR. STEPHEN CAVE said, that the alterations touched no question of principle. They were merely matters of convenience, and most of them were merely formal. He had followed in every respect the precedent of the previous Government.

Motion, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 2 to 25, inclusive, *agreed to*.

House *resumed*.

Committee report Progress; to sit again *To-morrow*.

EAST INDIA HOME GOVERNMENT PENSIONS BILL.—[BILL 74.]

(*Lord George Hamilton, Mr. William Henry Smith.*)

Order read, for resuming Adjourned Debate on Question [15th March], "That the Bill be now read the third time."

Question again proposed.

Debate *resumed*.

Main Question, by leave, *withdrawn*.

LORD GEORGE HAMILTON moved that the Bill be re-committed, for the purpose of reconsidering the first Clause, with a view to inserting an Amendment to the effect that no Member of the Indian Council could receive a pension under the Bill, if he were in receipt of or otherwise entitled to a pension or superannuation allowance.

Motion made, and Question proposed, "That the Bill be re-committed, in respect of Clause 1."—(*Lord George Hamilton.*)

MR. SHAW-LEFEVRE and MR. CHILDERS recommended that the Bill should be withdrawn and reconstructed, as they considered that, in its present form, it left matters in an uncertain state.

Debate *adjourned* till Monday next.

MEDICAL ACT AMENDMENT BILL.

On Motion of Sir JOHN LUBBOCK, Bill to amend the Medical Act, *ordered* to be brought in by Sir JOHN LUBBOCK and Dr. LUSH.

Bill *presented*, and read the first time. [Bill 100.]

POLICE SUPERANNUATION FUNDS.

Select Committee *appointed*, "to inquire into the Police Superannuation Funds in the counties and boroughs of England and Wales and the Acts creating and regulating the same, and to report to the House whether any, and, if any, what alterations or amendments in the Law are required."—(*Sir Henry Selwin-Ibbetson.*)

And, on March 23, Committee *nominated* as follows:—MR. BIDDULPH, MR. COTES, MR. COWPER, MR. GOURLEY, MR. LEEMAN, MR. GRANTHAM, MR. TORR, MR. SCOURFIELD, MR. FAIRFAX CARTWRIGHT, Colonel DYOTT, and Sir HENRY SELWIN-IBBETSON:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, 19th March, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Building Societies Act (1874) Amendment* (43); Regimental Exchanges* (44); Local Government Board (Ireland) Provisional Orders Confirmation* (45); Indian Legislation* (46).

Royal Assent—(£882,661 8s. 11d.) Consolidated Fund [38 *Vict.* c. 1]; Consolidated Fund (£7,000,000) [38 *Vict.* c. 2]; Police Magistrates, Metropolis (Salaries) [38 *Vict.* c. 3]; Superannuation Act (1859) Amendment [38 *Vict.* c. 4]; Registry of Deeds Office (Ireland) [38 *Vict.* c. 5].

AGRICULTURAL CHILDREN ACT, 1873.
OBSERVATIONS.

THE EARL OF KIMBERLEY rose to call attention to the inconvenience caused by the Agricultural Children Act, 1873, not applying to children above the age of twelve years, whilst the Elementary Education Act, 1873, applies to children up to the age of thirteen years; and to ask the Lord President of the Council, whether he proposes to take any step to amend the law on this subject? He did not intend to enter into a general discussion of the Agricultural Children Act of 1873, which had been debated very fully not long ago in "another place"—his desire was to call attention to one point in that Act which involved a great anomaly and considerable harshness. Their Lordships would remember that the main object of the Act to which he was referring was to prevent the employment of children under a certain age at agricultural work, and to provide for their receiving a certain amount of education; and this provision applied to all children who were not over 12 years of age. He would state to their Lordships how the Act practically worked. It was necessary under it, in order that a child should be qualified for employment, that he should have a certificate of a certain number of school attendances during the 12 months immediately preceding the time of his employment, and a maximum number of attendances, varying with age, was prescribed by the Act. For children between the ages of 8 and 10 the number was 250; for children between 10 and 12 it was 150. He would take an extreme case, but one which would show exactly the operation of the Act. Suppose a child of the age of 10 went

to school, by attending regularly morning and evening he might make up the 150 attendances within three months. At the age of 11, he might go to work and remain at work up to the age of 12 on the certificate of those 150 attendances, without going to school again. But what occurred if at the age of 12 his parents were obliged to apply for out-door relief? The child would then come within the provision of the Elementary Education Act of 1873, under which the children of persons receiving out-door relief must attend school up to the age of 13; and in this case attendance meant throughout the day, and not merely in the morning or in the evening. What he wished to point out to their Lordships was the conflict between the Agricultural Children Act, and the one passed in same Session, which compelled all children whose parents were receiving out-door relief to attend school every day, both morning and evening. The latter Act applied to all children up to the age of 13—the former only up to the age of 12. So that when a child attained 12 years and three months it passed out of the scope of the former Act, but remained under the operation of the Elementary Education Act until it was 13 years of age. The result was the gross absurdity that a child was perfectly free to work from 11 to 12 years of age, at a time when he had better be at school; and then if his parents happened to require relief, probably after he had forgotten all he had learned, he was taken from his labour, with which he was becoming acquainted, and compelled to attend school. That was not only a disadvantage to the child, but also a hardship to his parent; because, on the former being sent from work to school, the latter, just when he was in distress, was suddenly deprived of the support of the child's earnings. He was referring to an infirm man in the receipt of out-door relief—how could the operation of the Act be explained to the satisfaction of such a man? Acting as Chairman of a Board of Guardians in his own district, he had endeavoured to explain the Act to a labourer, but in vain. The labourer failed to understand its operation, and in the result he (the Earl of Kimberley) was obliged to take refuge in saying to the poor fellow—"Well, you must obey the law." Such an anomalous state of

the law must tend to bring the law itself into contempt. Their Lordships' House was especially responsible for what had occurred, because when the Agricultural Children Act came from the House of Commons it did extend to children up to the age of 13; but the noble Lord who sat on the other side and who had charge of the measure (Lord Henniker), proposed that the limit should be reduced to 12. The noble Marquess (the Marquess of Ripon), at that time President of the Council, objected to the change. However, their Lordships thought fit to make the alteration, and the result was the anomaly and hardship of which he now complained. Therefore, he could not help hoping that the noble Duke would see his way, at all events, to amend the Agricultural Children Act by making the limit 13, so that it might no longer interfere with the general operation of the Elementary Education Act, but that both Acts might work together. He would ask his noble Friend whether he proposed to take any steps to amend the law on the subject?

THE DUKE OF RICHMOND said, he was afraid his noble Friend would not think his answer satisfactory, because he was obliged to say that he was not prepared, on the part of the Government, to propose any amendment in the Agricultural Children Act of 1873. The anomalies in the enactments of the two statutes undoubtedly did exist, and had been stated very fairly and accurately by his noble Friend. Undoubtedly, while that Act limited the age to 12 years, the Elementary Education Act extended it to 13 years. But his noble Friend had taken an extreme case. The Act did not apply to the whole country—the Denison clause applied only to children whose parents were in the receipt of outdoor relief, and as persons who received such relief must be over 60 years of age, or be permanently disabled, the clause would not in practice apply to anything like the bulk of the whole of children employed in labour. He did not think the cases referred to by his noble Friend to be so numerous as to cause inconvenience; but, at the same time, he quite admitted that the provisions of the two statutes were conflicting in the respect pointed out, and therefore might give rise to the anomaly suggested by his noble Friend. But as to the amount of

inconvenience that had actually occurred, he might remind his noble Friend that the Agricultural Children Act only came into operation in January of the present year, and some further test ought to be given to its working before an amendment in its provisions was proposed in Parliament. He said so much in justification of his declining to give the promise asked for by his noble Friend. The noble Earl had described the Act as an absurd law.

THE EARL OF KIMBERLEY said, that what he stated was that the contradiction between the two statutes was absurd.

THE DUKE OF RICHMOND: The noble Earl said he had said to the poor labourer who came to him for advice that the law was absurd, but that he must obey it. Moreover, he ventured to suggest that his noble Friend the late President of the Council (the Marquess of Ripon) was in some measure responsible for the conflict between the two statutes. The noble Marquess certainly did object to the alteration from 13 to 12 in the Agricultural Children Act when it was proposed by his noble Friend who had charge of the Bill; but the two Bills were passed in the same Session, and received the Royal Assent on the same day; and, with the knowledge that the change had been made in the Agricultural Children Act, the noble Marquess, as President of the Council at the time, ought to have seen that steps were taken to make that Act and the Elementary Education Act harmonize in respect of the limits of age. He would carefully watch the operation of the Act, and, if required, amend it: but in dealing with so large a question as Education, one must be careful how they interfered with an Act which had come into operation so recently as the Agricultural Children Act. His fear was that in endeavouring to remedy one defect they might open the door to demands to further and more extensive changes. He rather shrank from interfering with a measure which had been so short a time in operation on a representation as to an inconvenience which could not have been very much felt.

THE MARQUESS OF RIPON said, he did not wonder at the indisposition shown by his noble Friend to open the Education question. He knew how natural it was for any one in office to shrink from

opening even a small point in a large subject, lest it might spread to a wider one. At the same time, he was glad to observe that at the close of his observations the noble Duke did not speak quite so positively as he had at the commencement of his determination not to deal with the anomaly during the present Session. He would ask his noble Friend to give the matter some further consideration. As both his noble Friends had stated, he did object to the change from 13 to 12 when it was proposed in the Agricultural Children Bill; that change created the difficulty; but no doubt there was an oversight in allowing the anomaly between two Bills which were passing through Parliament at the same time to remain uncorrected. The cases were not very numerous in which the conflict pointed out by his noble Friend (the Earl of Kimberley) would practically arise; but there were cases in which it might arise and entail great hardships upon poor persons—the cases of persons permanently disabled and receiving out-door relief on that account, and who had children employed under the circumstances referred to by his noble Friend. The noble Duke did not deny the anomaly; and he thought he would find a disposition on both sides of the House to cure that anomaly without opening the door for any further changes than would be necessary to effect that object. He therefore entertained the hope that his noble Friend would yet see his way to dealing with that single point.

INDIAN LEGISLATION BILL [H.L.]

A Bill for consolidating and amending the Law relating to Legislation in India—Was presented by The Marquess of SALISBURY; read 1^a. (No. 46.)

House adjourned at a quarter before Six o'clock, to Thursday the 8th of April next at a quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, 19th March, 1875.

MINUTES.]—SUPPLY—considered in Committee Committee—R.F.

PUBLIC BILLS — Ordered — First Reading — Sale of Coal, &c. (No. 2) * [101]. Committee—Artizans Dwellings [1]—R.F.

The Marquess of Ripon

Committee—Report—Mutiny; Linen and Yarn Halls (Dublin) * [90].

Considered as amended—Glebe Lands (Ireland) * [23].

Withdrawn—Sale of Coal, &c. * [40].

METROPOLIS GAS COMPANIES BILL.

QUESTION.

COLONEL MAKINS asked the honourable Member for Truro, If he will state to the House why, as there are seventeen Companies supplying Gas within the area under the Metropolitan Board, the legislation proposed by the “Metropolis Gas Companies” Bill is limited to only nine Companies, whilst the Parliamentary notices for the Bill included all Companies supplying the district under the Metropolitan Board of Works?

SIR JAMES HOGG: Sir, in answer to the hon. Member, I beg to state that although there are 17 companies supplying gas within the Metropolitan area, eight of them supply outlying districts, and are not subject to the provisions of the Metropolis Gas Acts, 1860. The Metropolis Gas Bill is an amendment and partial repeal of the Act of 1860, which expressly excludes from its provisions the eight companies alluded to by the hon. Member. I cannot enter more fully into the question at present; but I would remark that the company in which the hon. Member is interested objected before the Examiner on the ground that the Standing Orders had not been complied with upon the point referred to in the Question, but the objection was disallowed.

MERCHANT SHIPPING ACTS—THE “MARIE” STEAMSHIP.—QUESTION.

SIR WILFRID LAWSON asked the President of the Board of Trade, Whether his attention has been directed to the case of the “Marie” steamship which left Southampton for the West Coast of Africa in the month of November last, but ultimately arrived in a sinking state at Santander, where she now is; and, whether, he will consent to place upon the Table all Correspondence which the Board of Trade has received on the subject?

SIR CHARLES ADDERLEY: Sir, the *Marie* was a new ship, measured for tonnage only, at her starting from Southampton, by the officer of the Board of Trade employed for that purpose. No case arose for a Government survey, the

Marie not being a passenger ship, and no question of her unseaworthiness having come to the notice of the Board of Trade. In connection with the subject, however, a question has arisen as to allowing any ships of this class, built for river or coast navigation abroad, to proceed to sea in the winter months. The Correspondence relating to the *Marie* may be moved for, together with Correspondence relating to the *Mary* and *Chusan*, of the same class.

POST OFFICE—REVENUE RETURNS.
QUESTION.

MR. J. HOLMS asked the Postmaster General, If he is aware that the Returns issued at the instance of the Revenue authorities, and for assessment purposes, are not allowed to pass for a halfpenny stamp, but are charged letter postage; and, if so, will he give instructions to discontinue it?

LORD JOHN MANNERS, in reply, said, one or two instances of the kind referred to by the hon. Member had had been brought to his notice, in which the Assessment Returns were improperly charged with letter postage. He had no doubt they were entitled to pass for a halfpenny postage. He would take care, now that he had received information from the hon. Member, that instructions should be given to prevent a recurrence of the inconvenience.

CRIMINAL LAW — COMMITTAL FOR CONTEMPT — CASE OF WILLIAM CRADDOCK.—QUESTION.

MR. CHARLES LEWIS asked the Secretary of State for the Home Department, Whether, having regard to the heavy sentence passed on William Craddock for contempt of court, he will institute an inquiry into the facts in order to ascertain whether it is a fit case for the exercise of clemency on the part of Her Majesty; and, whether he has any objection to lay upon the Table of the House a Copy of the Letter from Mr. Justice Denman from which he gave quotations on the 16th instant?

MR. ASSHETON CROSS: Sir, I have not had occasion to make further inquiries into the facts of this case, because I have this morning received a second letter from Mr. Justice Denman, in which his Lordship states that he re-

gretted to say that his recollection was at fault in one important respect, and that the conversation supposed to have taken place between the prisoners was not at the time the jury were being sworn, but after the acquittal of Craddock, and while the jury were deliberating, and therefore the contempt of Court was not such as he thought it was. I believe this is a case for the clemency of Her Majesty, and I have advised Her Majesty accordingly.

POOR LAW TAXATION (IRELAND).
QUESTION.

MR. O'SHAUGHNESSY asked the Chief Secretary for Ireland, Whether, having regard to his promise of legislation on the subject of the area of Poor Law Taxation in Ireland, and the admitted necessity for such legislation, he will introduce his intended Bill on that subject on an early day?

SIR MICHAEL HICKS-BEACH, in reply, said, there were other important subjects relating to Ireland to which it would perhaps be his duty to call the attention of the House before he approached the subject alluded to in the hon. Member's Question; but he must say, looking at the state of Public Business, he did not think it desirable to introduce a Bill on the subject before he could see a reasonable prospect of passing it.

FOREIGN MONASTIC AND CONVENTUAL INSTITUTIONS — LAWS OF FOREIGN STATES—THE RETURNS.

QUESTIONS.

MR. NEWDEGATE asked the Under Secretary of State for Foreign Affairs, Whether the Government intend to complete the Return, presented on the 4th of this month, in answer to the Address of 27th of July 1874, with respect to the Laws of Foreign States relating to Monastic and Conventual Institutions, by adopting the suggestions made by Herr von Bülow, the Minister for Foreign Affairs of the German Empire, in his letter to Mr. Adams, dated June 11th, 1874, and given on page 12 of the Return, by applying for the required information to the proper officers of the Prussian Government, and to those of the Governments of the other German

States, or by otherwise procuring copies of the Laws of the above States which have been published and relate to the subject-matter of the Address; whether the Government will procure and furnish the extract from "the work of Rönne (*Das Staatesrecht der Preussischen Monarchie*)," especially mentioned by Herr von Bülow as containing valuable information; whether any communication has been made to the representative of Her Majesty's Government in Brazil, urging him to obtain published copies of the Laws in that Empire relating to the subject-matter of the Address, should the Brazilian Government further delay furnishing such information; and, when any further Papers in completion of those presented on the 4th of this month are likely to be furnished to Members of this House?

MR. BOURKE: Sir, in accordance with the Order of the House, we applied to the German Government for all the laws, ordinances, and precepts affecting the Convents and Monastic Institutions at present in force in the German Empire. We received the letter upon the subject from Herr von Bülow which is mentioned in the Question; but I do not gather from that letter that there is any suggestion of the nature alluded to by my hon. Friend. That letter points out, among other things, that Church affairs do not fall within the competence of the Imperial authority, and that no Imperial law has been issued on the subject; but that the laws of the several Federal States affecting the Roman Catholic Convents are very various, and that many disputes have arisen as to their effect upon Convents recently established; and Herr von Bülow mentions a work by a gentleman of the name of Rönne, in which a detailed examination of those laws is set forth. That work is said to be a very learned one, and I would recommend my hon. Friend the Member for North Warwickshire, if he wishes for further information, to procure a copy of the work for himself. That is the state of the case. Under those circumstances, I am afraid Her Majesty's Government cannot undertake the task proposed to them by my hon. Friend—by applying to the officers of the various German States for copies of the laws in question. And with regard to the excellent work of Herr Rönne, Her Majesty's Government

Mr. Newdegate

do not think that the House would expect them to place it on the Table in the form of a Parliamentary Paper. With regard to Brazil, Her Majesty's Chargé d'Affaires at Rio has stated that he had been promised copies of all the laws and ordinances relating to these Institutions, and he hoped to be able to send them by the mail of the 24th of January. In a further despatch, Mr. Drummond reported that he had not up to that time succeeded in obtaining those documents, but he hoped to do so in a few days. I am not prepared to lay on the Table any other Papers upon this subject.

MR. NEWDEGATE asked, whether Her Majesty's Government objected to apply to the Governments of Prussia, Bavaria, Saxony, and other German States for information on the subject-matter of the Address voted last July?

MR. BOURKE: I think I can best answer my hon. Friend's Question, by reading an extract from Herr Von Bülow's letter—

"A most lengthy correspondence would be necessary to obtain the required materials from all the Prussian Provinces and from the 24 other Federal States, which materials would have to be submitted to a scientific elucidation and criticism before they would be serviceable to the British Government—a task which the Foreign Office, with the most earnest wish to make these explanations clear and useful, scarcely feels itself capable of undertaking."

MR. NEWDEGATE said, the hon. Gentleman had not answered the Question. What he had asked was, whether Her Majesty's Government objected to apply to the Government of Prussia, to the Government of Bavaria, to the Government of Saxony, and to the other German States, for the information required by this House under the Return ordered on the 27th July, 1874?

MR. BOURKE: I have, Sir, already informed my hon. Friend that we have done our best to get the information from the Imperial Government of Germany, the proper authority to apply to both as to Prussia and Saxony.

MR. NEWDEGATE said, the Government of this Country had been informed—["Question!"]

MR. SPEAKER pointed out that the hon. Member was not at liberty to raise a debate on the question.

MR. NEWDEGATE said, he would repeat his Question on Tuesday next.

NAVY—TRAINING SHIPS—

H. M. S. "BOSCAWEN."—QUESTIONS.

SIR FREDERICK PERKINS asked the First Lord of the Admiralty, Whether he would consider the advisability, in the interests of the naval service, of placing a ship for the training of boys for the Royal Navy in the Southampton Water, where, notwithstanding the eligibility of the station, there has been no training vessel since the removal of Her Majesty's ship "Boscawen" several years ago.

MR. HUNT, in reply, said, the *Boscawen* had been removed from Southampton to Portland as being a more suitable place for the training of boys. There was no present intention of placing a training ship in Southampton Water.

In reply to MR. WHALLEY,

MR. HUNT said, that when the regulations respecting training-ships were thoroughly settled, the Papers should be laid upon the Table of the House. He stated generally the other day, when moving the Navy Estimates, that assistance would be given.

PUBLIC BUSINESS—THE EASTER RECESS.—QUESTIONS.

MR. HOLT asked the First Lord of the Treasury, Whether it was really intended that the House should meet on Thursday next?

MR. LYON PLAYFAIR asked, whether it was intended to take the Public Health Bill with 326 clauses as the Second Order of the Day on Monday next, or whether it was not to be postponed until after Easter?

MR. DISRAELI: Sir, it is always my wish to consult the convenience of the House with regard to the conduct of Public Business; but, at the same time, the public interest must be attended to. I see by the Paper that the Peace Preservation Bill is fixed for Monday, and I shall be quite ready, if the debate on that Bill concludes on Tuesday night, to meet the wish, which I know is not confined to one side of the House, by at once moving the adjournment of the House to Monday, the 5th of April, on which day I shall be prepared to take the Army Estimates. There is no prospect of the Public Health Bill coming on next Monday.

EDUCATION DEPARTMENT—EDUCATION (IRELAND).—QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, If it is true that the Government intend to forbid by Law in Ireland, whether in public or private schools or otherwise, any element of education or branch of instruction not only permitted but prescribed in the case of English Schools under the Public Education Code?

SIR MICHAEL HICKS-BEACH, in reply, said, the hon. Member for Louth had so carefully framed his Question, that he was unable to comprehend the exact point to which it was directed. From the varying circumstances of the two countries, both the law and the rules of the Education Department were different in many particulars in England and Ireland. He was not aware that the Irish Government had power to forbid any element of education, his impression being that its duty was to carry out the powers with which the law had invested it.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

PARLIAMENTARY AND MUNICIPAL ELECTIONS ACT.

MOTION FOR A SELECT COMMITTEE.

SIR CHARLES W. DILKE, in rising to call attention to the working of the Parliamentary and Municipal Elections Act, and to move for a Select Committee to inquire into the existing machinery of elections, with power to suggest Amendments in the same, said, that last year, when the subject was raised by the hon. and learned Member for Derry (Mr. Charles Lewis) and himself, they were told in public by the right hon. Member for Bradford (Mr. W. E. Forster), the father of the Bill, and in private by the Home Secretary—

"That the time was coming when it would be really desirable to review the operations of the Act, and to find out exactly what had been the results; that they ought to wait for the Reports of the Judges."—[3 *Hansard*, ccxviii. 375.]

They had waited for the Reports of the Judges, and they had those Reports before them. The case for inquiry could

not be better put than it had been put last year by the right hon. Member for Bradford himself, when he said—

“He did not think the House would under-rate the difficulties with regard to the passing of such an Act. It was a perfectly new machinery, of great complication, and exceeding difficulty.” —[3 *Hansard*, ccxviii. 376.]

There had been points of difficulty in connection with the Ballot Act, and especially with regard to the marking of papers, raised by a large number of municipal petitions, and decisions had been given, which—to say the least of them—were not in agreement one with the other. In the case of a municipal election at Southport, the Commissioner decided that the ballot papers marked with a cross on the left-hand side, instead of on the right, were perfectly good. In the Athlone case, Chief Justice Monaghan said—of the Court—

“We give no opinion of the validity of the papers marked on the left-hand side. They had been previously rejected by the sheriff, but luckily they did not affect the result of the election, as the Petitioner had a majority without them.”

In the case of Wigtown, the Scotch Court had decided that those papers were bad, but in the Southport case, the Commissioner stated from the bench that he knew as a fact that the English Judges thought them good. England one way, Scotland the other, and Ireland neutral. In the case of Athlone, he might say, in passing, that one-thirteenth of the whole of the ballot papers had been more or less improperly marked. The Irish Court, however, decided certain points in that case—namely, that as regarded crosses on the right-hand side of the candidate's name, it was not necessary in Ireland that they should be placed upon the square left blank for them. In the case of the Wigtown Boroughs, Lord Ormadaile had decided that a vote should be rejected which was delivered by means of a cross “designedly made of a peculiar form,” and he reserved that vote for the decision of the higher Court in the special case. Lord Ormadaile had also reserved two papers which had been marked in ink, instead of pencil. He had also, in opposition to the opinion of the right hon. Gentleman the Member for Bradford, said—

“Numbers . . . had a stroke, not a cross, opposite the name of one of the candidates, and that is in no sense in conformity with the statutory direction. Whether it has been done

innocently, or accidentally—or in pursuance of a preconceived design in order to identification—it is impossible to say; but I think that if statutory declarations are to be given any effect to at all, it is very difficult to hold that these papers are marked in compliance with them.”

He had reserved for the higher Court, in a special case, a paper on which the cross was only a little above the candidate's name, but on the right, “because such a mode of marking the paper might be done for the purpose of identification.” He had also rejected a paper the corner of which was torn off, because that might have been done with a view to identification. Lord Neaves, in delivering judgment, said—also in opposition to the right hon. Gentleman the Member for Bradford—

“I think it essential to a good vote that the voter should make a cross thus pointed out, and that any mark materially different would be a deviation from what is prescribed, and a failure to fulfil the requirements of the statute. For anyone to put, instead of a cross, a circle or any other geometrical figure, would not be a compliance with the law, independently of the consideration that such a plain and wilful departure from what was intended would suggest strongly the suspicion of some sinister purpose.”

He rejected absolutely the papers which had lines or ticks on them, instead of crosses. He also rejected all papers on which there were two crosses in the place of one, a line on the back, or any marks in addition to the cross. He had also laid it down that the cross must be on the right-hand side. Lord Ormadaile concurred with Lord Neaves on all points. Lord Benholme differed from his two Colleagues on nearly all. Lord Moncreiff being absent, the opinion of Lord Ormadaile and Lord Neaves stood, and contradicted all the English municipal decisions, the statements repeatedly made in that House by the promoters of the Bill, and the almost uniform practice of the Returning Officers in England at the last Election. Although the Scotch Judges had differed on many of the papers by two to one; they had unanimously agreed that the mark must be one cross, whereas the right hon. Member for Bradford had repeatedly observed that any mark in the proper place was sufficient. He (Sir Charles Dilke) could not think that that was a satisfactory state of things as a preparation for the next General Election in this country. He might add that the Commissioner in the Southport case had decided to count the papers marked on the left, although

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he had the opposite decision of the Scotch Judges actually before him at the time. He said that he did not think their decision binding on him, and that he thought it wrong, but considered the point open to great doubt. The Commissioner, in delivering judgment in the Southport case, had said—

“I shall state in my report the difficulty there is in construing the 25th rule of the Ballot Act, and in all probability some enactment may be passed, either for the purpose of amending that section, or getting some declaratory Act explaining what is its meaning.”

He meant the words “then mark his paper,” the question being, what is a sufficient mark? The other points in connection with the inquiry which he (Sir Charles Dilke) proposed, and which had been dealt with by the Judges, were those of the secrecy of the vote, which came up in the case of Bolton, and in the case of Drogheda. The Bolton election had been held by the Judge to be a good one; but, in giving that decision, he had used very strong language with regard to Parliament. He said—

“If the Legislature have failed in providing safe-guards, the misfortune may be the misfortune of the public, but the fault lies at the door of the Legislature. I am satisfied that a deliberate violation of the provisions with regard to secrecy was attempted in this borough.”

In the case of Drogheda, it had been contended that there was a conspiracy between the sheriff and the under-sheriff to set aside the provisions for secrecy; and the Judge then said that if that had been proved he should have voided the election. He found that it had not been proved—although it was a fact that arrangements had been made by which secrecy was altogether violated—and he reserved for the consideration of the higher Court the question, whether, looking to the fact that the rules of the Ballot Act had in no sense been complied with, the election itself was invalid? Two of the Judges held that the election was valid, and two that it was invalid. The case, therefore, had been returned to the original Judge, who decided that it was valid. That was, the Judge said, sitting in appeal against a Court of four Judges, and reversing the decision of two of his most learned Colleagues. So much for the cases which had actually been tried and decided. In addition, however, to the actual decisions of the Judges, which, as he had shown, were of a contradictory nature, and left

them in more need of inquiry than ever, they had now a very much larger amount of information than the hon. and learned Member for Derry and himself possessed last year, when they brought this question before the House, as to the principles which had guided the various Returning Officers in their practice. He would deal with certain of the details of the Act, one by one, with a view of showing that if they went to another General Election without inquiry, and without clearing up some of the most important points that could be raised, they would go to it with a certainty of Petitions involving scrutiny in a very large proportion of the constituencies of the country, and scrutiny meant, in the case of large constituencies, an expenditure utterly without parallel. He had there before him—and he had leave to use it, for it had already been partly published—an opinion as to the proper way of marking ballot papers, which was the first point of detail, and the most important, that he would raise. That opinion was given in 1873, at the instance of Mr. Curwood, the Town Clerk of Leeds, by the then Attorney General—the present Lord Chief Justice Coleridge. He might state that Mr. Curwood—who was one of the most skilled town clerks in England, and who had paid much attention to the details of the Ballot Act—had informed him that the aldermen of Leeds, each of whom was a Returning Officer for one of the 12 wards of that borough at the election of councillors, were about equally divided upon the question of what was a properly marked ballot paper; and that the circumstances under which Lord Coleridge's opinion had been obtained were these—That an election had been carried in one ward by the acceptance of papers which had been rejected in all the surrounding wards. Lord Coleridge had given it as his opinion that the cross need not be in the square, but he held that it must be opposite to the name; and he had advised—and his advice had been followed in the counting of votes at the last election of Leeds—that those papers were bad which had been held good by the Irish Court in the Athlone case, where the cross, although made on the right hand side, was a little above or a little below the name. He had also held that a line added to the cross, and that two crosses, were bad—in opposition, there-

fore, to the opinion of his then Colleague, the father of the Bill, the right hon. Member for Bradford, who had distinctly given the opposite opinion in that House. Lord Coleridge added a note at the end, that where—

"The voter has put an additional mark, his case appears to me to be directly within the mischief of the statute, and his voting paper may in my opinion be rejected."

Of the elections which he (Sir Charles Dilke) had personally attended at the counting of the votes, he might add that in the case of Hackney, the Returning Officer counted all the crosses on the right hand side, even though above or below the name, and held those on the left to be bad. At Chelsea, the Returning Officer held those placed on the left to be just as good as those on the right, and counted every paper, however marked, from which the voter's intention was clear, except those upon which had been written any words of handwriting. The Town Clerk of Glasgow had written to him—

"In deciding on the sufficiency of marks on papers, I proceeded on the principle that it is not necessary that the mark should be a cross [X], and that any other mark clearly indicating an intention to vote for a particular candidate would suffice. I also considered it not necessary that the mark should be on the right side of the paper. . . . It is to my knowledge that a large number of sheriffs of other counties proceeded on the same principle as I did, holding that the directions in the Act as to a cross on the right side of the candidate's name are merely illustrative of one of the best ways of putting the mark—not as prescribing the only way of doing so. But the Scotch Judges have adopted the rule that nothing but a cross on that side is admissible. I think, with deference to them, that this is wrong. I understand that the English Judges take the view on which I went."

That was to say that the practice of the largest city in Scotland was contrary to the decision of the highest Court of Scotland, and was supported by no decision but a municipal one in England—for it was idle to speak of mere hear-say as to the opinion of the English Judges. He maintained that that was not a satisfactory state of things. Hon. Members would be able, from their own experience, to confirm the statement that there were hardly two boroughs in England where exactly the same decisions had been given, which must certainly, in the case of a hotly-fought General Election next time, lead to an incredible number of Petitions accompanied by costly scrutiny. Mr. Pearson, an alderman of

Stockport, had made a suggestion which ought to be considered by any Committee that might sit upon this subject—namely, that the ballot papers should be dark in colour with the exception of the square intended for the cross. Mr. Pearson had printed a large number of various forms of ballot paper of that kind, and they certainly made matters very much clearer for the voter than they were at present. Mr. Rayner, the experienced Town Clerk at Liverpool, had expressed his opinion in favour of Mr. Pearson's view. Mr. Pearson had been led to make that suggestion, by the fact that at the last municipal election at Stockport; the votes set aside amounted in the majority of the wards, although the election was very close, to 10 per cent of the total number polled; so that, subject to petition—and, as he had shown, the decisions on petition had been of an opposite character, one from another—the decisions of the ward aldermen as to the validity of doubtful votes gave, in many cases, the majority to one or other of the candidates at their discretion. A Committee would also probably re-open the question of whether the putting the cross against the name of the candidate for whom one voted was as simple a plan as that of striking out the name of the candidate against whom one voted, and judging from the letters that he had received from town clerks he should say that a majority of town clerks of English boroughs, who were on this subject the most experienced persons, considered that striking out was the better plan, although he himself did not share that opinion. One wrote,

"A voter says, 'I shan't support Blank'—'Then cross him off,' is the reply, and the vote is lost, even if it is not counted the wrong way."

The Town Clerk of Tiverton, like the Town Clerk of Leeds, had obtained a high legal opinion as to what, under the present law, was a properly-marked paper. In the Tiverton case, he (Sir Charles Dilke) had not leave to name the distinguished lawyer—also a Member of the late Government—whose opinion had been thus given, but he might say that it was directly at variance with the opinion of his learned Colleague, Lord Coleridge, for he held that the Act permitted of any mark—for instance, a mere tick—to be made, and that the Schedule was only directory, and not necessarily to be

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strictly followed so as to exclude votes. At Tiverton, where the contest was very close, a large proportion of votes, had, according to the town clerk, been rejected on account of two crosses being made instead of one, to indicate the voter's wish to plump, and of the cross being made on the name itself. Leaving the question of how the papers should be marked, he came to one only second to it in importance, and that was the subject of stamping. He had circulars in his possession from two rival firms, each of whom stated that there was nothing in the world so easy as to forge the marks of their rivals; and having carefully examined the subject, he was bound to say that both were right. Messrs. Shaw and Son, who had supplied a vast number of Returning Officers with perforating machines, and Messrs. Loewenheim, who manufactured the embossing machinery, abused one another in the choicest English. Now, the perforating machine had been most popular with the past Returning Officers, because it would do for ever and could be set to any design that might be wished. Mr. Gresham told the Committee on Returning Officers last year that—

"The perforator is an arrangement of pins of such a character, that if a man takes out his voting paper and shows it to a mechanic outside, and that if the mechanic has one of those perforators and arranges the pins to make the particular mark, he forges it within ten minutes. I myself will undertake to forge it in ten minutes."

Now, he believed that statement to be absolutely true. Nevertheless, town clerks of such vast experience as Mr. Curwood in Leeds and those of others of the biggest boroughs in Ireland, were using those perforators and proclaiming their merits to their less experienced colleagues. The perforator worked very easily, and was therefore popular with Returning Officers; the embossing machine worked more stiffly—and whereas the perforating machine was pretty and simple, and spoilt very few papers, but was liable to be forged in ten minutes—on the other hand, the embossing machine, which took longer to forge, worked so stiffly that when a Returning Officer's hands got tired the mark made became so faint, that in the case of the Chelsea Election, for instance, they had to count—and did count by agreement—800 papers which would have been rejected by a judge, there having been on them

but a very slight trace of the machine, they being equally divided between the two sides and not affecting the result of the election, and there being no reason to believe that any forgery had taken place; but still, they had only such a mark upon them as could, in fact, have been imitated by a thumb-nail. Sir Joseph Heron told him (Sir Charles Dilke) that at Manchester the number of unstamped papers was very large. But the whole question of stamping was one of exceeding difficulty. There was no check whatever upon "ballot-stuffing" frauds, except the official stamp on a ballot paper. A scrutiny cost so many thousands of pounds that an unscrupulous agent would run a good deal of risk to place his man at the head of the poll on the first occasion, and take his chance of a scrutiny. Now, he ventured to say that while the perforating machine was capable of easy forgery, there were very few large constituencies where the embossing machine was used, in which a sufficient number of papers were not wholly unstamped, or so improperly stamped that they would not have passed a Judge, as to affect the result of a return; and at the next General Election, when these things had been found out and appreciated by agents, a very pretty state of things for the lawyers would be the result. He might state a fact which came to his personal notice in the last election for Hackney, when he was representing the present Members in a booth on polling-day. The deputy Returning Officer, who stood in front of him, finding that when the pressure of voters was great, he could not supply them fast enough with papers, stamped a considerable number of papers before they were applied for, during those moments when there was less to do. He cautioned him as to the illegality of this proceeding, and as to its probable inconveniences, but he continued nevertheless. At last that happened which might have been foreseen—namely, that forgetting the point up to which he had stamped in advance, he issued a large number of papers in a wholly unstamped condition, and thus disfranchised a considerable number of voters. He had already expressed his opinion of the perforating shifting stamps. The embossed stamps, if frequently changed, would be good enough, if they worked more easily; but the designs being complicated ones,

which was to make such amendments in the Act as their past experience of its working told them to be necessary to prevent anything like wholesale disfranchisement. The old system had three advantages—namely, a minimum power of disfranchisement on the part of the Returning Officer, a minimum of disfranchisement in point of fact, and general uniformity of practice; and the new system had three correlative defects—namely, great power of disfranchisement, great disfranchisement in fact, and great diversity. The result was, that a great loss of votes took place under the change. At the last Tipperary election hundreds of votes were pronounced bad, and at the last Galway Borough election, out of 1,200 votes, 190 were bad. The practical disfranchisement of a constituency might result from two causes: either from ignorance, or incapacity on the part of the Returning Officer. At the last election for Tyrone it was found that an entire set of voting papers at one of the booths were without the official mark which it was the duty of the Returning Officer to place on them, and all the votes to which they related were in consequence rejected, without any default on the part of the voters, and without any means of setting the matter right. That fact proved the necessity of guarding quite as much against incapacity in the Returning Officer as in the voter. With respect to securing accuracy in the counting of the votes, that was entirely a matter of detail; but the very fact that it was a matter of detail

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the existing machinery of Elections, with power to suggest amendments in the same,"—
(*Sir Charles W. Dilke*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL MURE said, he should hardly have ventured to intrude on the attention of the House, had he not rather a strong personal case to put before them. He was returned for the county of Renfrewshire by a majority of 90 votes at the last General Election, and like all successful candidates, he was highly delighted at the result, because there were circumstances in his case which rendered his return rather a surprise to himself. He was surprised and not delighted however, a few weeks after, to find that a very remarkable Petition had been presented against his return. It was, in fact, a Petition quite unexampled in the history of elections in this country. It was simply this—There was no question as to the formalities, there was no question, either, as the validity of the votes recorded; but two ratepayers, under the powers of the Act, declared that in their opinion the votes had not been correctly counted. There was no *prima facie* ground for supposing that they had been wrongly counted, because the agents of both parties, as well as the Returning Officer, had been present at

Law on a Petition, in those cases where he had decided that only one agent of the candidate should be allowed to attend the counting, although there were many clerks engaged in it. On the other hand, as to the attendance of agents at the booths, the law was in such a state that it allowed the appointment of any number, who might crowd into the booth in the form of a perfect mob after they had once made their declarations of secrecy. The clause in the old Act, which was still in force, said that it should be lawful for any candidate to appoint an agent or agents to attend at each or any of "the booths." Sir Joseph Heron, the experienced Town Clerk of Manchester said, that the mode of counting ought to be prescribed by law, and he agreed with him. The numbers 1, 2, 3 and 4, which were placed on the left-hand side of the candidates' names, caused some confusion and were in the Act, he believed, by mistake. They had been put in to guide the illiterate voter, and were retained after another provision for the illiterate voter had been made. They confused the voter, and it was questionable whether they should not be omitted. On the other hand, whilst those were subjects which ought to be considered, there were many points connected with the Ballot Act which ought to be held to be outside the scope of the inquiry—for instance, the question whether there should or should not be a scrutiny. In the year in which the Ballot Bill passed, the Lords introduced a scrutiny, and they had weakened or made useless the clause inflicting penalties on the violation of secrecy. They had also somewhat relaxed the provisions relating to the illiterate voter. The two latter points remained in a condition of confusion, and needed inquiry. The former, or provision for the scrutiny, although personally strongly opposed to it, and although believing that it involved an immense amount of difficulty, he nevertheless felt bound to regard as an essential part of their present electoral law, and as one which must be viewed as being, until 1880, outside the scope of inquiry. Everything that could be said against the scrutiny, and by way of showing how unnecessarily it complicated the machinery of election, had been said by Sir Henry James, in 1872. Although the hours of polling had been dealt with

by the Lords in the Ballot Act, still, as the hours had not been affected by the Bill in the form in which it ultimately passed, he should almost regard that as being also outside the scope of inquiry for the present. The strong point in the case for inquiry at the present time was that when the Committee sat and when the three Bills were discussed, even those Members who took the greatest interest in the question had less knowledge of the working of the Ballot than was now possessed by almost any hon. Member of the House, and it was curious now to look back, and notice what extravagant blunders were made and what misapprehensions prevailed. He made no allusion to a number of other points which had been raised last year by the hon. and learned Member for Derry and himself, because it seemed to him that the case, as it stood, was a sufficient one, and any one who wished to see them could find them in *Hansard*. By way of general remark he would say only this, that while opponents of the Ballot in general—if there were any, now that it received the support of the Conservative party—would probably desire inquiry in order to reveal the weakness, as they must think it, of the system; the strongest friends of the Ballot ought certainly to wish for it, because if they went to another General Election under the Ballot, without having cleared up these hard points, and all the wire-pullers in the constituencies being thoroughly informed upon the weak points of the Act, and having had ample time to consider the best modes of dealing with them, they would certainly have such a number of Petitions and scrutinies as to cause an outcry to be raised against the Ballot itself, and to seriously weaken the chance of its being continued when the new Bill was introduced—as it would have to be in 1880, immediately after the General Election itself. The hon. Baronet concluded by moving for the appointment of a Select Committee.

MR. CHARLES LEWIS, in seconding the Motion, said, that the exhaustive speech of the hon. Baronet the Member for Chelsea (Sir Charles Dilke) had left him but little to say in favour of an immediate inquiry being granted. On neither side of the House would there be any disposition to look upon the Ballot in an unfriendly spirit. In the main, both sides were actuated by one motive,

which was to make such amendments in the Act as their past experience of its working told them to be necessary to prevent anything like wholesale disfranchisement. The old system had three advantages—namely, a minimum power of disfranchisement on the part of the Returning Officer, a minimum of disfranchisement in point of fact, and general uniformity of practice; and the new system had three correlative defects—namely, great power of disfranchisement, great disfranchisement in fact, and great diversity. The result was, that a great loss of votes took place under the change. At the last Tipperary election hundreds of votes were pronounced bad, and at the last Galway Borough election, out of 1,200 votes, 190 were bad. The practical disfranchisement of a constituency might result from two causes: either from ignorance, or incapacity on the part of the Returning Officer. At the last election for Tyrone it was found that an entire set of voting papers at one of the booths were without the official mark which it was the duty of the Returning Officer to place on them, and all the votes to which they related were in consequence rejected, without any default on the part of the voters, and without any means of setting the matter right. That fact proved the necessity of guarding quite as much against incapacity in the Returning Officer as in the voter. With respect to securing accuracy in the counting of the votes, that was entirely a matter of detail; but the very fact that it was a matter of detail—a matter at the same time of signal importance—formed one of the most cogent reasons why it should be remitted, amongst other things, to a Select Committee. The question of diminishing the expenses at elections ought also to form a subject of inquiry before the Select Committee. Both sides of the House were interested in taking care that everything should be done that was necessary to render the Ballot system perfect in all its details, especially where its defects led to the disfranchisement of voters, and he trusted that the Government would grant the proposed inquiry, as the interests of the constituents, above all things, required that the existing defects of the system should receive the earliest attention. By doing so, there would probably be few objections raised in future to a renewal of the Act.

Mr. Charles Lewis

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and, consequently, the point of revelancy was sustained. At great expense and annoyance to himself the Petition was tried by the Court of Session; the numbers having been brought before the Court, were counted, and in the end it was found that he had been returned by two more votes than had first been credited to him. That was exceedingly satisfactory; but on the other hand, some people might say that was an argument in favour of bringing these charges, seeing that after all a mistake had been made; but he thought the House would see that the successful candidate was entirely at the mercy of two voters who declared that they did not think the numbers had been correctly counted. What he would suggest was very simple. That there should be a legal obligation on the agents of the respective candidates not to separate, or declare the result of the poll until they were agreed as to the correctness of the numbers polled on each side; and, further, that each agent should be bound to make a statutory declaration before the Returning Officer that he was satisfied with the correctness of the counting—such declaration being final and conclusive as to the question of numbers, but to have no bearing on the validity of the votes. Such a Petition as that to which he referred could not then be afterwards brought. It seemed to him extraordinary that some machinery had not been devised to settle the numbers on the night of the poll. He believed his was the only instance in which a Petition disputing the correctness of the counting had been presented, and he spoke to the late Attorney General on the subject, and he thought the matter was one worthy of the consideration of the present Law Officers of the Crown.

THE O'CONOR DON said, there was great hardship caused by the rejection of votes in cases where the presiding officer in any one of the polling booths had placed a mark upon the voting paper by which the voter could be identified. The provision of the Act on that point was intended to prevent the voter making known his vote in order to claim a reward; it was never meant that a voter who had voted in perfect good faith should be disfranchised by the act of another person. The result of the County of Leitrim election last year depended upon the reception or rejection of votes of that

character. The matter had never been authoritatively decided, but it demanded careful consideration, for the objection on this account threw an enormous amount of power into the hands of the presiding officer, and it was therefore one that particularly wanted deciding at the hands of a Committee.

MR. MARK STEWART said, he thought the House ought to feel very much indebted to the hon. Baronet the Member for Chelsea (Sir Charles Dilke) for having brought the matter under their consideration, and he had made it quite clear that there ought to be some inquiry on the subject, so that the victims of the Ballot Act as it stood might not be martyred again when another election took place. The hon. and gallant Member for Renfrewshire (Colonel Mure) and his own were the only instances, he believed, of Petitions in Scotland, and that might be taken as a satisfactory result of the working of the Act in that country; but when great hardship fell upon any individual by the bad wording of a clause, or the difficulty of interpreting provisions, it was fair that they should come to this House and ask, at all events, that something should be done to repeal or alter those clauses. He was returned for the Wigtown Burghs, certainly by the narrow majority of 2, and every means was taken to ascertain whether or not he had been actually returned. The Returning Officer declared his election valid, and he accordingly took his seat in this House. But the opposite party embraced an early opportunity of presenting a Petition against him. The investigation into that Petition showed that the polling sheriffs had neglected to stamp three of his papers and he was disqualified from sitting in this House. That was a hard case, because the act of the polling sheriff, whether done advertently or inadvertently, was sufficient to vitiate an election. He was not there to impute anything to those officers who otherwise presided so efficiently at his election, but he considered the House ought to watch over the interests of its Members. Had his case come before an Election Committee of the House of Commons, he would not have been put to the annoyance and expense of a second election. That case was brought before the Court in Scotland, and some of the most learned on the

which was to make such amendments in the Act as their past experience of its working told them to be necessary to prevent anything like wholesale disfranchisement. The old system had three advantages—namely, a minimum power of disfranchisement on the part of the Returning Officer, a minimum of disfranchisement in point of fact, and general uniformity of practice; and the new system had three correlative defects—namely, great power of disfranchisement, great disfranchisement in fact, and great diversity. The result was, that a great loss of votes took place under the change. At the last Tipperary election hundreds of votes were pronounced bad, and at the last Galway Borough election, out of 1,200 votes, 190 were bad. The practical disfranchisement of a constituency might result from two causes: either from ignorance, or incapacity on the part of the Returning Officer. At the last election for Tyrone it was found that an entire set of voting papers at one of the booths were without the official mark which it was the duty of the Returning Officer to place on them, and all the votes to which they related were in consequence rejected, without any default on the part of the voters, and without any means of setting the matter right. That fact proved the necessity of guarding quite as much against incapacity in the Returning Officer as in the voter. With respect to securing accuracy in the counting of the votes, that was entirely a matter of detail; but the very fact that it was a matter of detail—a matter at the same time of signal importance—formed one of the most cogent reasons why it should be remitted, amongst other things, to a Select Committee. The question of diminishing the expenses at elections ought also to form a subject of inquiry before the Select Committee. Both sides of the House were interested in taking care that everything should be done that was necessary to render the Ballot system perfect in all its details, especially where its defects led to the disfranchisement of voters, and he trusted that the Government would grant the proposed inquiry, as the interests of the constituents, above all things, required that the existing defects of the system should receive the earliest attention. By doing so, there would probably be few objections raised in future to a renewal of the Act.

Mr. Charles Lewis

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the existing machinery of Elections, with power to suggest amendments in the same,"—
(Sir Charles W. Dilke.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL MURE said, he should hardly have ventured to intrude on the attention of the House, had he not rather a strong personal case to put before them. He was returned for the county of Renfrewshire by a majority of 90 votes at the last General Election, and like all successful candidates, he was highly delighted at the result, because there were circumstances in his case which rendered his return rather a surprise to himself. He was surprised and not delighted however, a few weeks after, to find that a very remarkable Petition had been presented against his return. It was, in fact, a Petition quite unexampled in the history of elections in this country. It was simply this—There was no question as to the formalities, there was no question, either, as the validity of the votes recorded; but two ratepayers, under the powers of the Act, declared that in their opinion the votes had not been correctly counted. There was no *prima facie* ground for supposing that they had been wrongly counted, because the agents of both parties, as well as the Returning Officer, had been present at the counting. However, these two electors declared their belief that an error had been committed, and according to Scotch form the question was brought before the Court of Session, first on the point of revelancy, as to whether there was a *prima facie* case against him. He had to engage counsel, and he secured the services of the best to be had, and he was necessarily put to very considerable expense. The question of revelancy was decided against him and in favour of the Petitioners, on the ground that there could be no better instance of the invalidity of an election than the fact that the candidate who had polled the smallest number of votes should be returned. The objectors said—"We believe that the votes were not properly counted;" the other side said—"We believe that they were properly counted;"

and, consequently, the point of revelancy was sustained. At great expense and annoyance to himself the Petition was tried by the Court of Session; the numbers having been brought before the Court, were counted, and in the end it was found that he had been returned by two more votes than had first been credited to him. That was exceedingly satisfactory; but on the other hand, some people might say that was an argument in favour of bringing these charges, seeing that after all a mistake had been made; but he thought the House would see that the successful candidate was entirely at the mercy of two voters who declared that they did not think the numbers had been correctly counted. What he would suggest was very simple. That there should be a legal obligation on the agents of the respective candidates not to separate, or declare the result of the poll until they were agreed as to the correctness of the numbers polled on each side; and, further, that each agent should be bound to make a statutory declaration before the Returning Officer that he was satisfied with the correctness of the counting—such declaration being final and conclusive as to the question of numbers, but to have no bearing on the validity of the votes. Such a Petition as that to which he referred could not then be afterwards brought. It seemed to him extraordinary that some machinery had not been devised to settle the numbers on the night of the poll. He believed his was the only instance in which a Petition disputing the correctness of the counting had been presented, and he spoke to the late Attorney General on the subject, and he thought the matter was one worthy of the consideration of the present Law Officers of the Crown.

THE O'CONOR DON said, there was great hardship caused by the rejection of votes in cases where the presiding officer in any one of the polling booths had placed a mark upon the voting paper by which the voter could be identified. The provision of the Act on that point was intended to prevent the voter making known his vote in order to claim a reward; it was never meant that a voter who had voted in perfect good faith should be disfranchised by the act of another person. The result of the County of Leitrim election last year depended upon the reception or rejection of votes of that

character. The matter had never been authoritatively decided, but it demanded careful consideration, for the objection on this account threw an enormous amount of power into the hands of the presiding officer, and it was therefore one that particularly wanted deciding at the hands of a Committee.

MR. MARK STEWART said, he thought the House ought to feel very much indebted to the hon. Baronet the Member for Chelsea (Sir Charles Dilke) for having brought the matter under their consideration, and he had made it quite clear that there ought to be some inquiry on the subject, so that the victims of the Ballot Act as it stood might not be martyred again when another election took place. The hon. and gallant Member for Renfrewshire (Colonel Mure) and his own were the only instances, he believed, of Petitions in Scotland, and that might be taken as a satisfactory result of the working of the Act in that country; but when great hardship fell upon any individual by the bad wording of a clause, or the difficulty of interpreting provisions, it was fair that they should come to this House and ask, at all events, that something should be done to repeal or alter those clauses. He was returned for the Wigtown Burghs, certainly by the narrow majority of 2, and every means was taken to ascertain whether or not he had been actually returned. The Returning Officer declared his election valid, and he accordingly took his seat in this House. But the opposite party embraced an early opportunity of presenting a Petition against him. The investigation into that Petition showed that the polling sheriffs had neglected to stamp three of his papers and he was disqualified from sitting in this House. That was a hard case, because the act of the polling sheriff, whether done advertently or inadvertently, was sufficient to vitiate an election. He was not there to impute anything to those officers who otherwise presided so efficiently at his election, but he considered the House ought to watch over the interests of its Members. Had his case come before an Election Committee of the House of Commons, he would not have been put to the annoyance and expense of a second election. That case was brought before the Court in Scotland, and some of the most learned on the

Scotch Bench set themselves to decipher what the Act meant, and whether the Schedule was not to be taken as part of the Act or not, and whether the spirit or the mere letter of the Act was to govern any decision arrived at. The questions were argued by counsel by the hour, and the public could form but one opinion, and that was that the Act was inefficient as it stood, because what had been declared in many other instances to be good votes, were declared to be bad in his case; for instance, whether if the cross was a little to the right or left, whether it was a little above or a little below the name. After all this annoyance and anxiety, he came to his second election, when he increased his majority by six votes, but still it was thought necessary to petition against him, in the hope of finding out some flaw. A second time he had to undergo this annoyance, and one or two papers were again found not to be stamped at all. The polling sheriffs, who were engaged at great expense to the candidates, were alone to blame, it being no fault either of him or the constituency, and his second election was very nearly being voided through the carelessness and indifference of these officers. He thanked the House for having listened so patiently to what he had told them, and which was in his case a personal grievance.

MR. W. E. FORSTER said, that his hon. Friend the Member for Chelsea (Sir Charles Dilke) had in his very fair statement referred to him so often that he trusted the House would permit him to say a few words. Having had to discharge the duty of framing the Ballot Act, he had looked forward to the Motion with a good deal of anxiety, lest a great deal of fault might justly have been found with the machinery. The clauses which set forth that machinery went through 14 or 15 revisions, and the Bill itself through a second edition; and it was due to himself to say that such complaints as had been made on the subject were not owing to any want of care, for he had taken great pains in framing the measure, and had the assistance of an able draftsman. But, besides the difficulty of adjusting an entirely new election machinery, there was much difficulty in carrying a measure of that kind through the House of Commons; and frequent alterations in Committee were a

great danger to the correctness of the Bill. He was glad to find that no more flaws than those mentioned had been discovered in the Bill. As to the difficulty about the cross, he could speak as to what was the intention of the House in passing the Act—namely, that there was no intention of making the use of the cross compulsory, neither was it to be a disqualification if the voter did not put the cross in exactly the place or in the manner set out in the Schedule. The body of the Act simply required the voter to mark his paper; the first Schedule which laid down the actual rules was to the same effect; and the only allusion to the cross was in the last Schedule, containing directions for the guidance of voters. It would be most dangerous to the freedom of voting if the ruling of the Scotch Judges on this point were to affect elections generally, and in the result a great many fair and honest voters would be disqualified. That difficulty, however, might be met without a Select Committee. The House might strike out this direction in the Schedule, so as to render the present ruling in Scotland impossible in the future. His hon. Friend had brought forward several other blemishes. With regard to the illiterate voter, he could not help thinking that, with their experience, if the House had to pass the Act over again, there would be a large majority in favour of the provision which he had first brought in—namely, that there should be no special provision made for the illiterate voter. A very large proportion of those voters had not made use of the provision of the Act; but it was stated to have been used for the purpose of delaying an election. As to the Motion of his hon. Friend, he thought the time had come when it might be desirable for the Government to discover whether it was needful to amend the machinery of the Act or not, and he felt the most satisfactory mode of doing that would be by a Committee. It was for the Government to say whether it would be convenient to have a Committee that Session; but he thought they ought to have one in good time, before they were sent back to their constituents. Whatever might be the power given to the Committee, however it might be constituted, and whatever might be its Report, he thought the House should not

lose sight of this consideration—that there was danger in prescribing absolute uniformity of practice. They must leave some discretion to the voter and to the Returning Officer. It was a difficult matter to guarantee uniformity, which might result in disqualification of the voter. On the other hand, he thought that any reasonable ground of doubt ought to be removed. He would only say further that he thought the time had come when inquiry would be advantageous.

THE ATTORNEY GENERAL said, that whatever might be the opinion of individual Members as regarded the advantages or disadvantages of secret voting as established by the Ballot Act of 1872, they were all agreed in this—that inasmuch as it had been determined that that system should be adopted for a certain number of years, they should give it a fair trial. It would not, however, be receiving a fair trial if, when defects in its machinery were pointed out, measures were not taken for the purpose of curing them. He admitted, therefore, that it was desirable that an inquiry into its working should be instituted, for the purpose of ascertaining how improvements in it could be made. The hon. Baronet the Member for Chelsea had drawn attention to a number of defects in the practical working of the system, and, certainly many of them were very serious; and, on the hon. Baronet's showing, there was a grave question to be dealt with. It would be within the recollection of the House that in the course of the debate last year, the Secretary of State intimated that, inasmuch as the system of Ballot had had the test of one General Election, it would be desirable that its working should be considered before another election took place; and he believed there was now a very prevalent feeling that it would be advisable ere long to investigate the working of the Act. The hon. Baronet had adverted to a circumstance which pressed on the Government at the present time—namely, the number of Committees of importance now sitting. This rendered it undesirable to appoint a Committee during the present Session; but he (the Attorney General) felt he was in a position, on the part of the Government, to make this statement—that next Session they would be prepared either to deal with the question by legis-

lation, or by moving for the appointment of a Select Committee, with a view to legislation taking place. Under those circumstances, he suggested to his hon. Friend that the present Motion should be withdrawn, and the matter left with the Government on the understanding he had pointed out.

SIR CHARLES W. DILKE said, that the suggestion of the hon. and learned Gentleman entirely met his view, and he would accordingly consent to withdraw the Motion.

Amendment, by leave, *withdrawn*.

CRIMINAL LAW—CASE OF LUKE HILLS.

MOTION FOR AN ADDRESS.

MR. P. A. TAYLOR, in rising to call attention to the case of Luke Hills, an agricultural labourer, sentenced by the Cuckfield Magistrates to three months' imprisonment, on a charge of breach of contract; and to move—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to grant a free pardon to the prisoner."

said, the case reminded one of the high-handed proceedings of the magistrates of the last century, and was such as he would rather have expected to have read of in the novels of Fielding or Smollett, than to meet with as an actual occurrence in the 19th century. The case raised a question as to whether justice could be properly administered by an unpaid magistracy. It appeared that in November, 1874, Hills entered the service of Captain Hyde; that in February last he gave a fortnight's notice to leave; and on that notice being given, the latter intimated to him, for the first time, that his engagement was of a permanent nature, the only written evidence being a memorandum said to have been made by Captain Hyde's son in a pocket-book at the time of hiring. He was thereupon brought before the magistrates on the charge of leaving his employment, and was fined £5, in addition to £3 18s. 2d. costs, or in default sentenced to imprisonment for three months. Now, Hills, who was 50 years of age or so, and who had obtained a good character from his last master, was simply ruined by such a sentence, for if he remained three months in gaol the stigma of being a gaol-bird would attach to him, and he would find it difficult in future

to obtain employment. There was some dispute as to the amount of costs; but he could only say that the answer of the magistrates, given through their local clerk, did not say that £3 18s. 2d. was incorrect. There was, he might add, no pretence that there existed any written agreement between Hills and his employer; and the man and his wife had declared that not only had no memorandum ever been read to them to the effect that there was a yearly engagement, but that no such engagement had never been entered into. The magistrates had before them the statement made on the one side and the statement made on the other, and he knew no reason why the word of a working man of good character should have been utterly disbelieved by the Bench any more than that of his employer. But it was determined that the man should be convicted, and the magistrates accepted the employer's own estimate of the damage he had sustained through the man's leaving him. The man was a carter, and when he left his employer had only to get a new carter. What damage the master sustained it was difficult to see; but he nevertheless declared it to amount to something like £10, and Hills was sent to prison for three months. As to the legality of that decision he was informed by a magistrate and a lawyer that there was no summary jurisdiction in justices of the peace or petty sessions to determine questions of contract under the Master and Servant Act, except under the provisions of a former statute of George IV., and that that only applied to contracts in writing that were signed by both parties, which was not the case in the present instance. But, however, it might be legally, he unhesitatingly said that that decision was an act of gross oppression and tyranny. When Captain Hyde took Luke Hills before the Bench, composed as it was, he took him to a foregone doom. Hills was not tried by his peers, but by men who, if not aliens to him in blood and religion, were at least aliens to him in their interests, sympathies, and associations. They were employers—not employed. Six men taken entirely from the locked-out workmen in South Wales to try a dispute between their own class and their masters would be as fair a tribunal as that which tried that poor labourer. The case had excited considerable feeling in the neighbourhood,

Mr. P. A. Taylor

and a memorial, signed by some hundreds of the inhabitants, was sent to the Home Office praying for the release of Hills, who had been one month in prison. Pressure had been applied to prevent people from signing such a memorial, and he feared that those who had interested themselves in the matter would have reason to regret that they had done so. The memorialists received no answer from the Home Office, beyond a bare acknowledgment of the receipt of their memorial, and he thought the matter was entitled to greater attention from that Department. On the 9th of March the Home Secretary informed him, in reply to a Question, that he had had an answer that morning from the magistrates, but that he had not yet had time to read it. The magistrates, he thought, should have been requested to send an earlier answer. On the 8th of March a communication was sent from the Home Office to Brighton, saying that the right hon. Gentleman had thoroughly examined the case, and had come to the conclusion that he could not interfere. The right hon. Gentleman said he was not aware of that letter; but there ought to be some inquiry how it came to be sent, for it looked as if there was somebody behind the right hon. Gentleman greater than he was in his own Department. On the 11th the right hon. Gentleman endorsed the decision of the Bench, saying they had acted with perfect justice, benevolence, and kindness; but as the Labour Law Commission suggested that there should be no criminal punishment for simple breach of contract, the right hon. Gentleman recommended that the man should be freed from the rest of his sentence. On Monday, when asked if Hills had been released, the right hon. Gentleman said there had been some hitch, or he would have been released; but that from the form of the committal there was some doubt whether the pardon of Her Majesty would run. He, however, hoped it would be the opinion of the House that means should be discovered for liberating that poor man, and for removing the stain which at present attached to his character. The hon. Member concluded by moving the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words

"an humble Address be presented to Her Majesty, praying that She will be graciously pleased to grant a free pardon to Luke Hills, an agricultural labourer, sentenced by the Cuckfield Magistrates to three months' imprisonment, on a charge of breach of contract,"—(*Mr. P. A. Taylor*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GREGORY thought that, although there could be little doubt as to the legality of that decision, as there were, in fact, two statutes, either of which would warrant it, its propriety was another question, and might be a fair subject of discussion. As one of the Representatives of the county the case had come under his notice, for he had received a statement referring to it, but previous to coming to an opinion upon it, it occurred to him that there might be two sides to the question. He accordingly put himself in communication with the magistrates' clerk, and there had been no delay in forwarding him an answer on the matter. The version of the story that had reached him was somewhat different from that put forward by the hon. Member for Leicester (*Mr. Taylor*), and in laying it before the House, he would say that, as the hon. Member had referred to two eminent novelists, he (*Mr. Gregory*) would refer to another novelist of a more modern time, the late *Mr. Thackeray*, who laid down this great principle—that there was not a piece of mischief in the world without a woman being at the bottom of it. Captain Hyde swore that the man in question had entered into a contract with him for a year's service at 18s. a-week, and he was corroborated in that statement by his son, who produced a minute made by himself at the time to that effect, and, therefore, unless these two gentlemen were guilty of wilful and corrupt perjury, their account of the transaction must be taken to be true. It was further proved, in corroboration of this, that Captain Hyde had been to some trouble and expense in moving the goods of the man and of his family from a distant part of the country to his neighbourhood. It was true that the man's wife had declared that no statement was made at the time that the hiring was to be a yearly one; but both Captain Hyde and his son

swore that the woman was not present when the contract was made, and the man himself declined to be put upon his oath, and to give evidence in support of his wife's story. Under these circumstances, what were the magistrates to do? Were they to believe the evidence upon oath which was before them, or were they to act upon the mere statement of the woman which her husband refused to confirm upon oath? As they believed the evidence of Captain Hyde and his son, the case resolved itself into one of mere damages. Captain Hyde satisfied the magistrates that through the breach of contract on the part of the man he had sustained damage to the amount of £9; but as he had only claimed £5, they limited their order to that amount in addition to the costs, which were 18s. 6d., and not £3 18s. 6d., as stated by the hon. Member, and instead of issuing their warrant for the payment of the £5 18s. 6d. at once, they gave the man a fortnight to make up the sum or effect some arrangement. To this order the man made no objection at the time; but his wife having subsequently advised him not to pay the money, he unfortunately followed her advice, and refused to comply with the terms of the order. The magistrates upon that had no alternative left them, except to sentence him to imprisonment in default, but without hard labour, telling him, at the same time, that he could obtain his release from prison at any time on payment of the fine. The man, therefore, was now in prison for non-payment of the sum of £5 18s. 6d., and he could not help thinking that the hon. Member, and those petitioners who felt so much sympathy with the prisoner, would have done better if, instead of bringing the matter before the House, they had subscribed the necessary sum to pay the fine, and so have obtained the man's release at once; and at all events, he trusted that the House would not lightly interfere in a matter of this kind, where a man was suffering imprisonment for wilfully refusing to obey the legal order of the magistrates.

SIR HENRY JAMES hoped that he should be acquitted of any desire to interfere with the course of justice or to throw any impediments in the way of magistrates discharging their important and often very difficult duties; but he could not help pointing out that the hon.

Member for East Sussex (Mr. Gregory) had altogether failed to answer the legal objection that had been taken to the conviction. He should, therefore, wish to ask the Home Secretary whether, in his opinion, the conviction of this man was legal or not? The hon. Member for East Sussex had said that some doubt existed under which of two Acts the conviction had been obtained, but he must know that the terms of the conviction itself must show under which Act it was obtained. The version of the story which had been given to the House that evening by the hon. Member varied in some of its details from that which had appeared in the newspapers; but the hon. Member had not informed the House that the contract in question was one that could never have been enforced in any Civil Court, it being, according to Captain Hyde's own account, for a year's service to commence on a future day, and not being in writing it was void under the Statute of Frauds. The prisoner, therefore, had been sentenced to imprisonment for the non-payment of damages for breaking a contract which could not have been enforced before a Civil Court. The Schedule of the Act of 1867—under which this conviction must have been made—set forth all the forms of contracts of service to which the Act applied, and he wished that the Home Secretary would point to the particular contract set forth in that Schedule which had been broken by the prisoner, so as to bring him within the operation of the statute. If the right hon. Gentleman was unable to do that, it would be a grave question whether the conviction was legal in any sense. It would, perhaps, be too late now to take steps to set aside the imprisonment, and he was afraid that, owing to the technical reason that the imprisonment was for the non-payment of damages, the Crown itself had no power to grant a pardon. [Mr. ASSHETON CROSS assented.] Under those circumstances, where the legal question was involved in so much doubt, he did not think that the House would press the right hon. Gentleman to interfere in the matter. The case, however, revealed a very sad state of the law, because it appeared that the doubtful decision of the magistrates, resulting in the unjust imprisonment of one of our fellow-subjects, was, for all practical purposes, final and irreversible, and that it was even

beyond the power of the Home Secretary to set matters right. The magistrates had found a doughty champion in his hon. Friend the Member for East Sussex, but what he had stated did not appear to have been stated by the magistrates' clerk who was present. That was comparatively a small matter; but when the hon. Member said that this was the man's own fault, because he did not accept the alternative given to him, it must be remembered that that alternative was that his home should be broken up, and his wife and himself turned into the streets without shelter.

MR. ASSHETON CROSS hoped that the House would be very cautious as to the course it adopted in this matter. The case was disposed of under the Act of 1867; but he did not intend at the present moment to enter upon the question of the wisdom or the non-wisdom of that Act, because he intended to bring the subject under the notice of the House shortly after Easter. He hoped that the House would also be very careful that it did not enter into a discussion of two questions which it was perfectly incompetent to enter upon—first, the question whether the conviction was or was not right in law; and, secondly, whether, upon the bare statements of two Members of the House, however honourable, they would venture to come to a conclusion upon a question of fact that had been already determined by persons who had heard all the evidence upon it. He thought if the House discussed questions of law or fact in such cases, except in very flagrant cases, it would be entering upon a very dangerous course indeed. His attention having been called by the Notice given by the hon. Member for Leicester (Mr. P. A. Taylor), he went through the Papers, and thought that the case was worthy of grave consideration. In administering the law of 1867 as a magistrate he had always thought that the powers under the statute ought to be very leniently exercised. In the present case, the magistrates had before them the question of fact, whether this man was a yearly servant or not. He certainly thought that if he had been one of the magistrates, and if he had been aware of the unanimous Report of the Commission which sat to inquire into the operation of the Act, he should have administered that Act in a more lenient

Sir Henry James

spirit. However, the magistrates had not that advantage, and they dealt with it in the ordinary way. They found that Luke Hills was a yearly servant who had broken his contract, and he was not convicted, but was ordered to pay a certain sum for damages. He was a carter, and it was no doubt held that he might have caused considerable loss to his employer. As to the amount, the magistrates decided that question upon the evidence before them. Under all the circumstances, he should have advised Her Majesty to allow the man to be discharged if it had been in Her Majesty's power to do so; but, after consulting those to whom he looked for legal advice, he found that, as the order was for the payment of damages—whether right or wrong he would not discuss—the power of the Crown did not run, and that to release a person who was imprisoned for debt would be interfering with the rights of one subject as against another. There was, therefore, no course open to him in the way of interfering. As it was impossible for the Crown, if the Motion were carried, to exempt the man from the penalty, he trusted that the hon. Member for Leicester would not press his Motion to a division that would be futile.

Mr. W. E. FORSTER said, he thought that the remarks of the right hon. Gentleman the Home Secretary were a perfect justification to his hon. Friend the Member for Leicester (Mr. P. A. Taylor) for bringing the question before the House, and if the conclusion were a right one upon that Act of Parliament, the House had lost that power, which it once possessed, in reference to the detention of subjects of the Crown. It appeared that if the Home Secretary could carry out his wish he would advise a free pardon, and that strongly justified his hon. Friend the Member for Leicester; and it was a strong opinion that they should not leave the Act of 1867 in the position in which it stood. He was glad that the right hon. Gentleman proposed to call the attention of the House to the operation of the Act soon after Easter, as should there be a repetition of these cases the operation of the law would be most disadvantageous to the community, for they could not take up a newspaper without seeing that breaches of contract were very frequent, and the damage which they occasioned

to persons was much greater than the loss of £9 by Captain Hyde. In the case under notice this man had been sent to prison for three months because he had broken a civil contract, while hon. Members of this House could break civil contracts without any such consequences.

Mr. MACDONALD agreed in thinking that the hon. Member for Leicester was fully justified in bringing the question before the House. Cases of the kind were occurring daily, and he therefore trusted on that account the right hon. Gentleman the Secretary of State for the Home Department would bring in a measure after Easter which would allow a full discussion of the subject.

Mr. M. D. SCOTT said, he did not complain that the hon. Member for Leicester (Mr. P. A. Taylor) should have brought the question before the House, but he did complain of his having done so upon imperfect information of the facts, and he also complained of the hon. Member having used hard words against the magistrates who determined the case. He spoke from personal knowledge, and not from hearsay, and he could say they were men who did all they could for the welfare of their neighbourhood and their fellow-creatures, and who were beloved by all around them. They knew how to do their duty mercifully, but they were appointed to carry out the law, and it was unbecoming of an hon. Member who could know nothing of these gentlemen to stigmatize them as tyrants and oppressors. Such language was deserving of the severest reprobation.

Mr. P. A. TAYLOR said, it was no use pressing a Motion asking for a free pardon, which it would be impossible for Her Majesty to grant. He hoped, however, the discussion would do good, in the way of hindering the occurrence of similar cases, and in that view he would withdraw the Amendment.

Amendment, by leave, *withdrawn*.

CRIMINAL LAW—UNCONVICTED PRISONERS—PRISON REGULATIONS.

OBSERVATIONS.

SIR WILLIAM FRASER, in rising to call attention to the Regulations for the Government of Prisons approved by the Home Secretary as regards persons wait-

ing for bail or remanded by a magistrate, and to the infraction of such rules in the Clerkenwell House of Detention, said, that after the warning he received last night he would do what he could to avoid bringing down upon himself and his subject the ridicule of the Home Secretary. There was something ludicrous, no doubt, in persons who were waiting for bail, or who had been remanded by a magistrate, scrubbing their own cells; but he would remind the right hon. Gentleman that when Cawnpore was taken the native chiefs who had participated in the mutiny were compelled to scrub floors as the most degrading act which it was possible for human beings to perform. He would now refer to a case of which he had no personal knowledge, but the particulars of which had been communicated to him by letter. A man named Mackay, living at 32, Coleman Street, near the Bank of England, was charged with some trifling offence, for which no punishment was inflicted upon him beyond being required to find bail for his appearance if called upon. His friends were not in London, and during the interval which elapsed before they entered into the required recognizance, he was detained in Holloway Prison, where he was obliged, although labouring under an attack of bronchitis and acute rheumatism, to scrub stone floors, on one occasion for eight hours almost continuously, with cold water; and the effect upon him was that he had to be removed to the hospital. Those were the facts of the case, and, if incorrect, he would hand the author of them over to the tender mercies of the House. They all remembered the case of the foreign clergyman who, about two years ago, having been arrested on a charge which was dismissed, was compelled to scrub the asphalt floor of his cell, and perform other menial offices. He, as a magistrate, had visited the House of Detention in which that gentleman was confined, and ascertained that all unconvicted prisoners were treated in the same way, while there were many unconvicted prisoners in the House of Detention who would be glad, for a trifling consideration, to do the work. He therefore gave notice at the Quarter Sessions of a motion to abolish that part of the rule which referred to the cleaning of their cells by prisoners on remand, and, after a very stormy discussion, on demand-

Sir William Fraser

ing a poll, found that the resolution was carried; and not lost, as the Chairman had declared it to be. No alteration had, however, since been made in the practice, and he could only suppose that the amendment of the rule had not received the sanction of the Secretary of State. In his opinion, however, the broad principle of justice required that the change he recommended should be made on behalf of a friendless and obscure class of persons who might be innocent; who frequently were proved to be innocent; and had, at all events, not been shown to be guilty. He sincerely hoped that view would be acted upon by the Government, especially as he understood, from what had passed between them, that it was in accordance with the wishes of the right hon. Gentleman. With respect to what had occurred last night, he might be permitted to say that, having been a Member of the House before the right hon. Gentleman, he had never seen a Minister turn round to his Party and ask for a cheer, without eliciting a response to his call; but he had never before known a person in the eminent position of the right hon. Gentleman to turn round to his own Party and, speaking to a humble and constant supporter, ask for the derision which the right hon. Gentleman had succeeded in obtaining yesterday.

MR. W. S. STANHOPE, in cases such as the one which had been brought under notice, regarded it as a defect in the law that an innocent person, who was unavoidably injured by its action, could not obtain compensation for the wrong which he sustained. He should be very glad if that fact were taken into consideration by Her Majesty's Government.

SIR HENRY SELWIN-IBBETSON regretted that, having spoken once upon the Motion to which that of the hon. and gallant Gentleman was an Amendment, his right hon. Friend the Home Secretary was precluded from replying to the Amendment and the observations which had been made by its Mover. With regard to the Amendment itself, he could assure his hon. and gallant Friend that the subject which he had brought under the notice of the House was one to which the attention of the Government had never been called. The Inspector General of Prisons stated in his last Report that there had been no complaint with regard to the rules and

regulations for the treatment of prisoners. It was only that morning that the Home Office had received any complaint with regard to the particular case to which his hon. and gallant Friend had referred, and he could assure him that no time would be lost in inquiring into the facts. That being so, he hoped the Amendment would not be pressed to a Division.

MR. DISRAELI: I feel it my duty to make a few remarks upon certain observations of my hon. and gallant Friend, which I heard him make with regret, in reference to the manner in which my right hon. Friend the Secretary of State for the Home Department received his Question in reference to this subject yesterday. I have for many years known my hon. and gallant Friend the Member for Kidderminster; I have valued his acquaintance, and I am very glad to see him again in the House of Commons; but I cannot but feel that on this occasion he has shown a sensitiveness for which really there was no adequate reason. I happened to be in the House when the Question was asked by my hon. and gallant Friend; I heard the Answer of my right hon. Friend the Secretary of State, and, as both an impartial witness, and an old friend of the hon. and gallant Member I must express my own feeling as to what occurred—namely, that nothing of the kind which my hon. and gallant Friend has expressed was ever intended by the Secretary of State. If the House was fuller I could appeal to many hon. Members to confirm my view of what passed. I think that has occurred on this occasion, which in this House happens to all of us sometimes, and at this time it happened to my hon. and gallant Friend, to misunderstand an observation or an action. I am authorized by my right hon. Friend, who by the Rules of the House is unable again to speak, to state that nothing was further from his mind than to express by word or action any such feeling as my hon. and gallant Friend has described, and which he will, I trust, from this moment discard from his mind.

SIR WILLIAM FRASER said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—*considered* in Committee.

House *resumed*.

Committee report Progress; to sit again upon *Monday* next.

ARTIZANS DWELLINGS BILL.—[BILL 1.]
(Mr. Secretary Cross, Mr. Selater-Booth, Sir Henry Selwin-Ibbetson.)

COMMITTEE. [*Progress 18th March.*]

Bill *considered* in Committee.

(In the Committee.)

MR. ASSHETON CROSS said, he wished at the outset to express his regret that any observations he used on the previous evening had been understood by hon. Members to reflect on the hon. and learned Member for Salford (Mr. Cawley) and give him pain. Nothing was further from his intentions than to use observations which could have been interpreted or understood in any such sense.

MR. CAWLEY said, though he admitted that the observations of his right hon. Friend did for a moment give him pain, and were noticed by other hon. Members, he most cordially accepted the explanation which he had given. He was sure, from his personal knowledge of his right hon. Friend, that he could not have had any intention to cause pain or annoyance to any hon. Member.

Clause 3 (Local authority on being satisfied by official representation of the unhealthiness of district to make scheme for its improvement.)

On the Motion of Mr. KAY-SHUTTLEWORTH, Amendment made, in page 2, line 18, by inserting after "local authority," the words—

"That any houses, courts, or alleys within a certain area under the jurisdiction of the local authority are unfit for human habitation or."

On the Motion of Mr. KAY-SHUTTLEWORTH, Amendment made, in line 23, after "area," by inserting—

"or to the want of light, air, ventilation, or proper conveniences, or to any other sanitary defects."

MR. KAY-SHUTTLEWORTH, in moving, as an Amendment, in page 2, line 29, to leave out from "if satisfied," to "shall," in line 32, inclusive, and in-

sert "shall, unless they show cause to the contrary," said, he objected very much to the manner in which the clause was drawn, which, in his opinion, would make it inoperative. If a local authority were to have a debate, on the proposal of a resolution in favour of an improvement scheme, as to whether the official representation made to them was true, as to the practicability of applying a remedy, the sufficiency of their resources, and the advantage to be derived by the locality from the application of the proposed remedy, there would be serious risk that no resolution would ever be passed.

MR. EVELYN ASHLEY supported the Amendment as necessary against recalcitrant and reluctant local authorities. When a nuisance was ascertained, the local authority ought to be required to remove it, at whatever cost.

MR. GOLDNEY thought the Amendment of the hon. Member for Hastings (Mr. Kay-Shuttleworth) was much too extensive, as the Bill sufficiently provided otherwise against hostile efforts by unwilling vestrymen and others. The whole country would be thrown into a state of confusion if local authorities were compelled to apply a remedy without satisfying themselves that it was feasible.

SIR ANDREW LUSK believed the hon. and learned Member for Poole (Mr. Evelyn Ashley) was wrong in supposing that local authorities did not care a farthing about sanitary improvement. The local authorities throughout the Kingdom, he believed, did care for the health and the general well-being of the people in their districts. As to the metropolitan authorities, he knew they devoted a great deal of time and trouble to the well-being of those around them. He was against the Amendment.

MR. SHAW - LEFEVRE suggested that the only condition which the clause need express was contained in the words "if satisfied of the truth thereof," which might be left standing and the other conditional passages omitted. The question of sufficiency of resources was a consideration which the local authorities were certain to entertain sufficiently.

MR. ASSHETON CROSS said, that the clause had been drawn with great care, and, in his opinion, the terms of it were correct. He thought the confirming authority should be at liberty to

exercise all moral, but not legal pressure, in the first instance, and that it should have every opportunity of making the necessary inquiries respecting the state of a given area. He should be quite willing to strike out the third "if" and the passage in which it occurred. In the metropolis he believed very great action would be taken under the Bill, and, although, of course, the effect would not be immediate, he expected that after a few years London would be quite a different place from what it was at present. He was disinclined, in the first instance, to compel the law to be carried out irrespective of any judgment as to resources.

MR. EVELYN ASHLEY remarked that the Labouring Classes Lodging House Act, passed in 1851, had been carried into effect by only one local authority—namely, Huddersfield.

MR. MACGREGOR felt inclined to support the Home Secretary. In the three burghs he represented, great things had been done by the municipalities in regard to drainage and the improvement of the public health.

MR. SOLATER-BOOTH was happy to be able to testify to the remarkable readiness of sanitary authorities, speaking generally, to undertake works of improvement.

MR. KAY-SHUTTLEWORTH said, that as the Home Secretary had met him half-way, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. CAWLEY, in moving, as an Amendment, in page 2, line 36, after "area," to insert—

"And if it shall appear necessary or expedient to purchase any or all of the lands and buildings within such area, or to alter, vary, or stop up any streets within such area, or to make any new street therein, they shall apply for a Provisional Order for the same in the manner provided by the Local Government Acts, and the scheme shall be deemed to be an undertaking under those Acts,"

said, he proposed the addition with a view of simplifying the working of the Act, unless some reason could be shown for adopting a Provisional Order other than the Provisional Orders which could now be obtained. At present local authorities could obtain powers to purchase lands, make new streets, and otherwise improve a town. It was now proposed to re-enact what was enacted by other Acts, and he could not see the necessity

Mr. Kay-Shuttleworth

of establishing a new form of Provisional Order differing only slightly from that which already existed. Such a multiplication of Acts was quite unnecessary.

MR. ASSHETON CROSS said, the Amendment would no doubt shorten the Bill, but it would not accomplish the purpose which the Government had in view as to the object of the Bill. In the first place, these Local Government Acts did not apply to the metropolis. In the second place, if the Amendment were adopted, it would give to the Bill too much of the character of a Towns' Improvement Act. This might seem a technical, but it was really a substantial, distinction. He did not wish this Bill to be dealt with as one passed for the purpose of beautifying towns. It was simply a Bill for improving the wretched and unhealthy rookeries which were to be found in towns, for re-building them in such a form as would be least expensive to the ratepayers, and, above all, for providing proper accommodation for the people who were displaced. One thread ran through the Bill, and he did not want to break it. Moreover, it was desirable that all the provisions of the Bill should be contained within the four corners of the Bill itself. Although he knew his hon. and learned Friend took a great interest in the Bill, yet, if his proposal were adopted, it would break through the arrangement, and for that reason he could not accept the Amendment.

Amendment, by leave, *withdrawn*.

MR. KAY-SHUTTLEWORTH said, he rose to move an Amendment which would bring within the scope of the Bill spaces cleared under the provisions of Torrens's Act. These spaces frequently remained a long time unoccupied, and became an eyesore and a nuisance. A space of this kind belonging to the Foundling Hospital had been for some time unoccupied. He was happy to say that within the last few days it had been disposed of to the Peabody Trustees. Under his Amendment such a space might be made available for the purposes of the Act. He would move, in line 36, at end of Clause, to add—

"Where, under the provisions of 'The Artizans and Labourers Dwellings Act, 1868' (31 and 32 Vic. c. 130), any houses occupied wholly or partly by persons of the working class have been or may hereafter be demolished, and an

area has been or shall have been thus cleared, the local authority may, if they think fit, pass a resolution to the effect that an improvement scheme ought to be made in respect of such area, and after passing such resolution they shall forthwith proceed as aforesaid."

MR. GOLDNEY said, it was impossible to accept the Amendment without going beyond the scope of the Bill. It was equally impossible for the local authority to say that a vacant space was a source of injury to the public health; and to take that ground for the purpose of the Bill would be an unwarrantable interference with the rights of property.

MR. ASSHETON CROSS said, the Bill carefully avoided touching property which was not pronounced injurious to the public health; and owners of these cleared spaces might naturally say—"Why take this building land from us, when the nuisance you complained of has been removed?" He argued that the Amendment would interfere unduly with the rights of property, and he must therefore oppose it.

SIR ANDREW LUSK said, that people ought not to be tied down in the way proposed. Unless a man was at liberty to let his land in a way commercially advantageous, no matter what theories they might hold, they would fail.

MR. SHAW-LEFEVRE was of opinion that the object of the Provision—namely, that an alternative should be left to the local authorities to proceed either under the Act of 1868 or the present Bill—was desirable and should be carried out, if possible.

MR. CAWLEY was of opinion that the Bill would not work satisfactorily, unless it gave power to take more land than that it was immediately dealing with. He, however, did not think it would be wise to effect that object in the form proposed by the hon. Member for Hastings.

MR. KAY-SHUTTLEWORTH said, his object was that the very worst places should be dealt with by the Bill. Obviously, the local authorities would see the advantage of putting Torrens's Act into operation with respect to those places; but when they had done so, they would have no power to build under this Bill. He hoped the right hon. Gentleman would re-consider the matter before the Report.

Amendment, by leave, *withdrawn*.

On the Motion of Sir HENRY SELWIN-IBBETSON (for Mr. DUNDAS), Amendment made by adding at end of Clause—

“Provided always, That no person being beneficially interested in any lands within such area shall vote as member of the local authority upon such resolution, or upon any question relating to the purchase or taking of lands in which he is so interested.”

On the Motion of Mr. Secretary CROSS (for Mr. STANSFELD), Amendment made by adding at end of Clause—

“Provided always, That any number of such areas may be included in one improvement scheme.”

Clause, as amended, *agreed to*.

Clause 4 (Official representation by whom to be made).

MR. ASSHETON CROSS moved, as an Amendment, in page 2, lines 39 and 40, to leave out—

“To such board or vestry, who shall forthwith forward the same,” and insert “or by such medical officer as is hereafter in this Act mentioned.”

SIR ANDREW LUSK objected to giving so much power to medical officers, who, although well educated and intelligent, were often crotchety and defective in judgment. Why should they ignore the vestries and other local authorities? In his own constituency he knew that the members of the vestries were men of great intelligence and ability. They were elected by their fellow-ratepayers, and were therefore representative men. He thought that the House of Commons should be very careful in setting aside the authorities, who represented the principle of local self-government, and who were the proper persons to decide on questions which affected those who elected them. Taxation and representation should go together, and whatever might be said against vestries, they were at least as much to be trusted in such matters as a medical officer with a salary of £100 or £200 a-year, whose opinion might happen to be biased by a variety of causes. Those who elected the vestries would have to pay the costs of any improvements, and ought to have a voice in the matter. He hoped the right hon. Gentleman would be able in some way so to shape the clause as to give that power.

MR. ASSHETON CROSS said, he had a very high opinion of local self-government and of the general intelligence of local authorities, who though

undoubtedly doing a great deal, yet did not at all times do what one wished them. For the purposes of the Bill they must take things as they found them, and he would point out to the hon. Baronet that he did not by the Bill in the slightest degree interfere with the principle of local self-government, or sever taxation from representation. In the early part of the Bill the Committee had settled that the Metropolitan Board was to be the authority to put the Act in force, and there would be no use in having an intermediate authority. As the Bill was originally drawn, the medical officer was required to report to the local authorities. Some of the vestries had objected to this, and seeing that the Metropolitan Board was elected by the metropolitan vestries, they constituted, though not directly, a representative body. They were to be the local authority for the metropolis without the boundaries of the City, and what was now proposed was simply to do away with the Report to an intermediate body. The vestries would not be charged with the removal of rookeries; the Metropolitan Board would; and it was better to fix the responsibility on the body which would have to take action in these matters. So long as it existed as it was, it was the authority which ought to administer this Bill.

Amendment *agreed to*; words *substituted*.

SIR SYDNEY WATERLOW moved, as an Amendment, in page 3, line 2, to leave out “twenty” and insert “six.” Its object was to obviate the cumbersome nature of the quantity of persons named in the Bill to be able to make a complaint to the medical officer.

COLONEL BERESFORD, who had given Notice of a similar proposal, said, it would be extremely difficult, as it was unnecessary, to get so large a number as 20 ratepayers to lodge a complaint.

MR. HARDCASTLE thought the Amendment which he would propose better than the one under notice. It was in page 3, line 2, to leave out “twenty,” and insert—

“Two or more justices of the peace acting within the jurisdiction for which he is medical officer, or twelve.”

His object in putting two or more justices of the peace was in order to give additional support to the medical officer upon

whom devolved an important duty in carrying out the Act.

MR. HERMON said, he thought six were too few for the purpose desired.

MR. ASSHETON CROSS said, after consideration, he would accept the Amendment of the hon. Member for South-East Lancashire. He approved of 12, but had not put down any Amendment, because he could accept that of which Notice had been given.

Amendment (*Sir Sydney Waterlow*) by leave, *withdrawn*.

Amendment (*Mr. Harcastle*) *agreed to*.

MR. KAY-SHUTTLEWORTH moved, as an Amendment, in page 3, line 7, after "officer," to insert "within three weeks from the date of such complaint."

MR. ASSHETON CROSS said, he had no objection to insert the word "forthwith," in lieu of the words proposed.

MR. KAY-SHUTTLEWORTH accepted the proposal.

Amendment *agreed to*; word *inserted*.

MR. KAY-SHUTTLEWORTH moved, as an Amendment, in page 3, line 10, at end of Clause, to add—

"The Local Government Board may, at any time when they deem it necessary to make a special inquiry into the sanitary condition of any part of any urban sanitary district, send one or more medical officer or officers to make such inquiry, who, after making such inquiry, may make an official representation to the Local Government Board, who shall forward it to the local authority, and such representation shall have the same incidents as if made by the medical officer of health of such authority."

MR. LYON PLAYFAIR hoped the Home Secretary would accept the Amendment. There was the utmost variety of medical officers in regard to qualification and salary. In many cases the salary was merely nominal, a medical officer of health being appointed just to comply with the Act. It was wise to empower the Local Government Board, when some great scandal occurred, to send down their own medical officer to institute an inquiry.

MR. ASSHETON CROSS said, the proper time to discuss this proviso was on Clause 9, which related to the metropolis.

Amendment, by leave, *withdrawn*.

COLONEL BERESFORD moved, as an Amendment, in page 3, line 10, at end of Clause, add—

"Every registrar, when required by a vestry or district board, shall transmit by post or otherwise a return, certified under the hand of such registrar to be a true return, of such of the particulars registered by him concerning any death as may be specified in the requisition of the sanitary authority."

"The sanitary authority may supply a form of the prescribed character for the purpose of the return, and, in that case, the return shall be made in the form so supplied."

"The registrar making such return shall be entitled to a fee of two pence, and to a further fee of two pence for every death entered in such return, which fee shall be paid by the authority requiring the Return."

MR. GOLDNEY thought that such a provision would be to encumber the Bill, and was really a clause amending the law relating to the registration of births and deaths.

MR. ASSHETON CROSS said, although fully aware of its importance, he had not dealt with the question in this Bill, because he thought it should be dealt with in some other measure, such as the Public Health Act now before the House, and it was in that way that he proposed to do what was necessary. He hoped the hon. Member would withdraw the Amendment, and he would consult the Local Government Board about it.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 5 (Requisites of improvement scheme of local authority).

MR. ASSHETON CROSS moved, as an Amendment, in page 3, line 12, after "estimates," to insert—

"It may exclude any part of the area in respect of which an official representation is made, or include any neighbouring lands if the local authority are of opinion that such exclusion is expedient or inclusion is necessary for making their scheme efficient for sanitary purposes, it may also provide for widening any existing approaches to the unhealthy area, or otherwise for opening out the same for the purposes of ventilation and health. Also."

MR. CAWLEY moved an Amendment with the object of providing for "lands" instead of "neighbouring lands," as proposed by the Home Secretary. The right hon. Gentlemen was endeavouring to do that which would be absolutely impossible in many towns, and if his proposal were carried it would defeat the object of the Bill.

MR. SHAW-LEFEVRE proposed to amend the Amendment by inserting words, the object of which was to enable the local authority to add other lands

and houses to those already condemned by the medical officers, on the ground that such additions were necessary to develop fully the valuable building sites for the purpose of this Act. The difference between the Amendment of the Home Secretary and his Amendment was this—the right hon. Gentleman bore in mind sanitary considerations only, but he (Mr. Shaw-Lefevre) added other considerations.

MR. ASSHETON CROSS said, he was bound to stick to his original Amendment, as this was essentially a sanitary measure, and ought not to be made use of for building and speculative purposes.

MR. WHITWELL thought the Amendment solved the difficulty, and would provide for the accommodation of the persons who might be displaced by improvements. He was quite willing to give a dispensing power to the proper authority in this matter. He had introduced in the Bill a provision of the Lands Clauses Act, which enabled persons to take lands, and unless it be absolutely necessary, he did not desire to make the power compulsory.

Amendments (*Mr. Shaw-Lefevre and Mr. Cawley*), by leave, *withdrawn*.

Amendment (*Mr. Secretary Cross*) *agreed to*.

MR. KAY-SHUTTLEWORTH said, he would admit that the clause was greatly improved by the addition just made to it by the Home Secretary. There were cases, however, in which it would be most undesirable that houses should be rebuilt upon the particular area cleared, which might be in itself unhealthy from its situation near a river or otherwise. Or again the local authority might be able to show that sufficient dwellings existed already for the accommodation of the people who were displaced. It was desirable to lay down on what grounds, and on what grounds alone, the sites might be allowed to be elsewhere than on the areas which had been cleared. He begged, therefore, to move the Amendment which stood in his name—namely, in page 3, line 13, after “compulsorily and,” leave out to end of Clause, and insert—

“(Except as hereinafter provided) shall, within the limits of the area included in the scheme, or in the vicinity of such area, afford a site or sites for suitable dwellings capable of housing as many persons of the working class as may be

Mr. Shaw Lefevre

displaced, and shall make provision for proper sanitary arrangements. Provided, That the site or sites for suitable dwellings as aforesaid may be afforded on any lands to be taken by agreement within the district of the local authority, that the scheme may prove to be equally or more desirable, having regard to the wants of the working classes, to health, and to economy. Provided also, That if the scheme shall prove that sufficient and suitable dwellings already exist, capable of housing the said persons, no site or sites as aforesaid need be afforded.”

MR. ASSHETON CROSS said, that his objection to the Amendment was, that it might relieve the local authorities of the burden of providing houses for those displaced, which they knew would be the least productive part of the scheme, and he doubted, in the next place, whether the local authorities would undertake the responsibility of providing lands. He should be willing to give the confirming authority power to class these restrictions to a reasonable extent.

SIR ANDREW LUSK said, the object of the Bill professed to be to provide suitable buildings for the working classes, but the place should be an open question. He had passed many years of his life in the City of London, and he and almost all merchants were glad to get away from the City in the evening for the beneficial effects of fresh air. Then why should they wish to confine the working classes to the City? To do so would be to expose them to damage and deteriorate their health, and render them the little, puny people such as those whom they daily saw in the streets. He should like to see the working classes get out into the fresh air, and to have the *physique* of their forefathers. People seemed to forget what London was—a metropolis comprising many miles of streets; and was it, he asked, a place to confine the working classes in if it could be avoided?

MR. FAWCETT wished to put a question to the Home Secretary. He wanted him to tell the Committee why there should be this special provision for the working classes, who were quite capable of taking care of themselves? He had read throughout this Bill that if the working classes were displaced accommodation must be provided for them. Now, why should the working classes have accommodation provided for them more than for any other class of people? There were small tradesmen

whose conditions and wants should be thought of, and for whom suitable accommodation should be provided—

THE CHAIRMAN: I beg to remind the hon. Gentleman that he is not in Order in discussing the general principle of the Bill on the Amendment. The question before the Committee is the Amendment requiring such legislation as would provide suitable accommodation for the working classes.

MR. FAWCETT submitted that the question he had addressed to the Home Secretary was perfect relevant.

MR. ASSHETON CROSS, with respect to the question of his hon. Friend the Member for Hackney (Mr. Fawcett), submitted that if the hon. Member had the least notion of the great displacement of the dwellings of the working classes in London by railway companies' works and for other improvements, and of the miseries which they suffered, he would admit that the Bill was necessary to provide suitable dwellings for their accommodation in lieu of those pulled down.

MR. KINNAIRD did not concur with the hon. Baronet the Member for Finsbury (Sir Andrew Lusk) that it would be either convenient or accommodating to the working classes to be borne away from London to the Arcadia which the hon. Member wished to see provided for them. He would take, for instance, the class of printers, and it was well known that it would not be convenient for them to live far away from their work.

MR. FAWCETT said, he was not satisfied with the answer given by the Home Secretary to his question, and he would raise the question again on the Report of the Bill. The Home Secretary seemed to think that he (Mr. Fawcett) had not considered the miseries of the working classes; but he begged to state to the right hon. Gentleman that he was as anxious as any man could be to alleviate the sufferings of those classes. That did not, however, affect the point he had raised. He should be glad if the words "working classes" could be left out, and the words "those who have been displaced" substituted.

Amendment agreed to.

SIR SYDNEY WATERLOW moved that the words "at the least" should be added to the Proviso requiring that any

improvement scheme should provide for the accommodation "of as many persons of the working classes as may be displaced." His own experience had proved that it was possible to provide by new buildings for even more persons than had before occupied the particular area.

MR. CAWLEY thought cases might occur where it would be impracticable to accommodate the same number.

Amendment agreed to.

MR. FAWCETT moved, with regard to the same provision, that the words, "of the working class" should be omitted with the view of substituting "those who earn wages." There were others besides working men, such as clerks and those of small means, who might be displaced, and who were entitled equally with them to the consideration of the Legislature.

Amendment proposed, in page 3, line 14, to leave out the words "of the working class."—(Mr. Fawcett.)

MR. J. G. TALBOT said, that the objection of the hon. Member to the clause as it stood was one that went to the principle of the Bill, and ought to have been made on the second reading.

MR. STANSFELD thought that the Government ought to accept the Amendment of the hon. Member for Hackney (Mr. Fawcett), which was quite consistent with the principle of the measure.

MR. ASSHETON CROSS was afraid that the right hon. Gentleman opposite had not apprehended the principle of the Bill at all. If he would be kind enough to read the Preamble he would find that it recited that the object of the measure was to provide accommodation for such of the working classes as might be displaced from their dwellings under the provision of the Bill.

SIR SYDNEY WATERLOW said, that where houses were removed the "working classes" were understood to be persons who occupied under weekly tenancies, and therefore the definition would include poor clerks and other people of slender means. Quarterly tenants, on the contrary, would receive compensation. If the Amendment of the hon. Member for Hackney (Mr. Fawcett) were accepted, the unfortunate ratepayers might be called upon to provide accommodation for any Members of Parliament who might be turned out of

their houses in consequence of this measure being put into operation.

MR. STANSFELD said, he could not accept the reproof of the right hon. Gentleman, who was too much in the habit of administering reproofs to those who thought differently from himself. The right hon. Gentleman assumed that no hon. Member who sat opposite to him had read the provisions of this Bill, but he begged to inform him that he had read them most carefully. As to the Preamble of the Bill, to which the right hon. Gentleman had referred, he wished to remind him that it had not yet been passed. The object of the Bill, as he understood it, was to provide accommodation for the same number of persons, whether they belonged to the working classes or not, who were deprived of their houses under the provisions of the measure.

MR. FAWCETT said, he felt bound to take a division on his Amendment. The right hon. Gentleman had stated last night that the object of the Bill was to abolish rookeries; but the measure had grown considerably since then, and it was now a paternally patronizing Bill for the provision of habitations for the working classes.

MR. W. E. FORSTER hoped the Committee would not proceed to a division before knowing more clearly on what it was about to divide. He could not agree with his hon. Friend the Member for Hackney (Mr. Fawcett) that the Home Secretary, in seeking to remove a very crying evil, desired to make the Bill a piece of class legislation. If, however, he wished to retain the clause as it was, he ought at least to give the Committee a definition of the words "working classes." For his own part, he thought that the term might be omitted without interfering with the beneficial operation of the Bill.

MR. J. S. HARDY considered that the question which had been raised as to what was meant by the working classes was an idle one. No one could doubt the meaning of the proposal, which was to the effect, where a number of houses and small shops were pulled down, and the tenants displaced, they should, within the same area, be provided with houses and small shops, or else they could not have suitable dwellings. With regard to the expression "working classes," it comprehended not

only artizans, clerks, translators, but even the Solicitor General; in fact, every person who earned his income by industry.

MR. MACDONALD hoped that the words objected to—and which would lead to invidious distinctions, which would be well understood outside the House, as he thought they were inside it—would be struck out by the right hon. Gentleman having charge of the Bill.

MR. BROGDEN considered the retention of the words "working classes" would lead to difficulties being placed in the way of the working of the Bill. The local authorities who would have to carry out the provisions of the Bill would be unable to discriminate between who were the working classes and who were not, unless they were provided with a definition.

MR. HARDCASTLE called upon hon. Gentlemen opposite who objected to the definition "working classes" to suggest some words to be substituted which, being inserted in the Bill, would be likely to effect the object which they all had in view. That object was to secure suitable dwellings for those persons, and not throw upon the local authorities the responsibility of ascertaining to what particular class the persons inhabiting the houses to be pulled down belonged.

MRS. HENRY JAMES said, the object of the clause was to provide a substitute for displaced buildings, and he saw no reason why they should raise difficulties by the use of the words "working classes." If it was meant to provide houses for the poorer classes, the words ought to be left in a general sense. At all events, it was not a question whether they should supply licensed victuallers with new shops or supply small shops in the place of those which might be pulled down. It was simply a proposal to provide suitable dwellings for those destroyed in the way of a numerical replacement. He hoped the Home Secretary would give the Committee a definition of the words "working classes."

MR. ASSHETON CROSS said, it was only the preceding evening that he was asked to change the title of the Bill to the designation of the very class it was now proposed to strike out. The term "working class" was no new one. It was to be found in the Standing Orders, which were passed annually, and in which no definition of the words were

Sir Sydney Waterlow

given. Beyond that it was made use of as far back as 1866 in the Edinburgh and Glasgow Improvement Acts, and was perfectly well understood. The authorities who had the carrying out of those Acts were not allowed to pull down dwellings unless they obtained a certificate from the sheriff that accommodation had been provided for such and such numbers of the working or labouring classes, and no difficulty had ever arisen in the matter.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 191; Noes 93: Majority 98.

MR. GOLDNEY (for Mr. GREGORY) moved, as an Amendment in page 3, line 18, after "area," to insert—

"It may also provide for such scheme or any part thereof being carried out and effected by the owner or with the concurrence of the owner of any property subject to the same, under the superintendence and control of the local authority, and upon such terms and conditions to be embodied in the scheme, as may be agreed upon between the local authority and such owner."

He understood that the Home Secretary had consented to the insertion of this Proviso.

MR. FAWCETT wished to know whether the Home Secretary had any reasons for not inserting a Proviso of this sort in the Bill originally; and if he had, what were the arguments that induced him now to consent to the insertion of this Proviso?

MR. ASSHETON CROSS said, one great object of the Bill was to relieve ratepayers from all unnecessary expense. Surely, if owners wished to effect improvements of their property, they should be allowed to do so.

MR. FAWCETT said, the question could not be settled in that offhand way. Under the Proviso corrupt arrangements might be made between the owners of tumble-down houses, by which extravagant compensation would be given to the latter, and the expense of building houses in lieu of the houses that had been taken down would be thrown on the ratepayers.

MR. KAY-SHUTTLEWORTH said, the right hon. Gentleman had put an Amendment on the Paper for a long time similar to this Proviso. He hoped it would be accepted, for there were

many landowners in London anxious to improve their property, like the Dukes of Bedford and Westminster, who were now prevented by the temporary interests which other persons had acquired.

Amendment agreed to.

On Question, "That the Clause, as amended, be agreed to?"

MR. FORTESCUE HARRISON pointed out that the provision by which the re-building of houses could be carried out on areas which extended beyond the municipal boundaries might have the effect of disfranchising some of those who were evicted under improvement schemes. The Bill applied to some of the boroughs in which he was interested, and he hoped the Home Secretary would consider whether or not the effect that he had referred to might follow.

MR. FAWCETT said, as the clause required that the local authorities should carefully ascertain the number of the working classes who would be displaced by a proposed scheme of improvement, it was essential to define what persons belonged to the working classes. Did the phrase include persons in reduced circumstances, a curate living on £100 a-year, a clerk whose salary was £80 a-year, or simply a labourer who worked for daily wage, or an artisan earning weekly wages? If a mistake was made last Session in inserting the phrase in a Standing Order without defining its meaning, that was no reason why a similar mistake should be made now.

SIR JAMES HOGG said, that as representing one of the local authorities who would have to carry out the Bill, they knew perfectly well who were meant by "the working classes," and it was unnecessary further to define the meaning of the words.

MR. ASSHETON CROSS said, that as the hon. Member for Hackney (Mr. Fawcett) wanted Parliamentary authority, it should be borne in mind that between the year 1851 and the present time a long series of statutes had been passed bearing such titles as the "Labouring Classes' Lodging House Act," the "Working Classes' Dwellings Act," and the "Artizans' Dwellings Act." Surely, these statutes afforded sufficient Parliamentary authority for anybody.

Question put, and *agreed to.*

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2. Confirmation of Scheme.

Clause 6 (Improvement scheme by provisional order to be confirmed by Parliament. Publication of notices. Service of notices. Petition to Secretary of State or Local Government Board), verbally amended, and agreed to.

3. Execution of Scheme by Local Authority.

Clause 7 (Duty of local authority to carry scheme when confirmed into execution).

Motion made, and Question proposed, "That the Chairman report Progress, and ask leave to sit again."—(*Mr. Fawcett.*)

MR. ASSHETON CROSS hoped the Committee would still continue the consideration of the Bill.

MR. FAWCETT said, that the clause was a most vital part of the measure, raising as it did the question whether the carrying out of the scheme should be obligatory. As he had pointed out at the previous Sitting, the local authorities might by that clause adopt either of three courses—namely, first, sell or lease the land, when cleared, to private individuals for the carrying out of the scheme; secondly, sell or lease it to a body of trustees for the same purpose; or, thirdly, with the consent of the confirming authority, they might carry out the scheme themselves. But there was no absolute security that the scheme would be carried out at all after the land had been cleared. In that state of things the hon. Member for Maidstone (Sir Sydney Waterlow) had given Notice of an Amendment to the effect—

THE CHAIRMAN interposed, and said, that it was not in Order to discuss a prospective Amendment on a Motion to report Progress, though the hon. Gentleman might refer to it if he wished merely to indicate his grounds for supporting that Motion.

MR. FAWCETT said, what he wished to do was merely to show that his Motion to report Progress was reasonable. In case neither of the three courses to which he had referred was adopted, the hon. Member for Maidstone proposed that if any person offered a price for the ground and that price was refused by the local authorities, the person who had made the offer might appeal to the con-

firmer authority, who would appoint an arbitrator to say whether the price was a reasonable one or not. That Amendment raised a question too important to be satisfactorily discussed at half-past 12 o'clock, and it was for that reason he had moved that the Chairman do report Progress.

MR. DISRAELI said, that as with the exception of some eccentric assumptions of the hon. Member for Hackney the Government had no cause to complain, having made reasonable progress, he would consent to the Motion.

Question put, and agreed to.

House resumed.

Committee report Progress; to sit again upon *Monday* next.

MUTINY BILL.

(*Mr. Raikes, Mr. Secretary Hardy, The Judge Advocate.*)

COMMITTEE. [*Progress 18th March.*]

Clause 26.

CAPTAIN NOLAN moved an Amendment the effect of which would be to allow a court martial to sentence non-commissioned officers to a lesser punishment than reduction to the ranks, by giving it power to reduce them to a lower grade of rank, or to put them at the bottom or in any other position on their list.

Amendment proposed,

At the end of the Clause, to add the words "and may sentence any non-commissioned officer to reduction to the ranks, or to be placed at the bottom or in any other place in the list of his rank, or to be reduced to an inferior rank of non-commissioned officer, and, in case of reduction to the ranks, may further sentence him to the same imprisonment as that to which a soldier is liable."—(*Captain Nolan.*)

MR. STEPHEN CAVE thought the Amendment was not necessary or desirable, inasmuch as a non-commissioned officer need not be tried by a court martial, but could be reduced to the ranks without it. To place him, therefore, at the bottom of the list by sentence of court martial would be a useless waste of power. A commanding officer was not obliged to promote a non-commissioned officer according to seniority. It was only the class of duty that was affected by seniority, not pay or promotion. If a man was not fit to be a serjeant he was seldom fit to be a corporal. If he was

degraded, he lost authority over the men, and it was far better that he should at once be reduced to the ranks and recover his position by good conduct.

Question put, "That those words be there added."

The Committee divided:—Ayes 34; Noes 175; Majority 141.

Clause agreed to.

Clauses 27 to 106, inclusive, agreed to.

Clause 107.

COLONEL ALEXANDER, in moving, as an Amendment, in page 64, line 9, to leave out all after "be" to "State," and insert "served on the commanding officer of such soldier, and the said commanding officer," said, it was intended to transfer to the commanding officers of regiments a power which was now exercised by the Secretary of State for War, and which was most embarrassing to him. It was a matter of great regret to commanding officers of regiments that they had not the power so to direct things in relation to the wants of soldiers' wives as that they should not be sent away dissatisfied. Commanding officers should have a power which they now had not, to compel soldiers to support their wives and children in the same way as civilians were bound to support theirs. He submitted that soldiers' wives should be compelled to show their marriage certificates. When he commanded a regiment, he felt the want of such a power; however, as he apprehended that his Amendment would embarrass the right hon. Gentleman the Secretary of State for War, he would withdraw it.

Amendment, by leave, *withdrawn*.

MR. P. A. TAYLOR said, that the Mutiny Act formerly exempted the soldier from the necessity of supporting his family. That provision was repealed, while Lord Cardwell was at the War Office; but the concession was accompanied by so many difficulties as to be altogether valueless. When any order had been made against a soldier, copy of such order should be left at the office of one of Her Majesty's principal Secretaries of State, and the said Secretary of State might withhold a portion, not exceeding 6d., of the daily pay of a non-commissioned officer not below a serjeant, and 3d. of any other soldier. When such

soldier was quartered out of the district where the action arose, the summons should be served on his commanding officer, and such service should not be valid unless there be left therewith a sum sufficient to enable the soldier to attend the hearing of the case and return to his quarters; and no summons should be valid if obtained after an order had been given for the embarkation for service out of the United Kingdom. He would therefore in page 64, line 10, move, as an Amendment, to leave out "may" and insert "shall;" the Amendment having no reference to the case of women who might have claims upon soldiers. The words "may" and "shall" might almost be taken as convertible terms.

Amendment proposed, in page 64, line 10, to leave out the word "may," in order to insert the word "shall."—(Mr. P. A. Taylor.)

MR. STEPHEN CAVE denied that the words could be regarded as convertible terms. It must be remembered that the Army was in an artificial position, and the Secretary of State ought to have a certain amount of discretion in his power. Soldiers were especially liable to charges of this kind by loose women who knew they had a better chance of getting money out of them, than from civilians who could and did constantly abscond. There were two things to guard against, vexatious charges, and collusion. The late Government were responsible for the wording of the clause; but after very anxious consideration he did not know how it could be improved.

MR. CAMPBELL - BANNERMAN said, the clause was framed by the late Government with the view, while admitting the liability of the soldier in such cases, of protecting him against got-up charges. As such, it was of a tentative character, the principle of liability being entirely novel to the Army. He wished to know how it had worked.

MR. GATHORNE HARDY said, it was a principle put forward by the late Lord Hardinge, that the Crown alone should interfere with the pay of the soldier, and that no other authority should intervene at all. The only case in which that rule was broken was that of drunkenness, when the pay was stopped by the commanding officer. No

instance had been brought before him as a grievance, and he was informed that the Act was considered to work well.

MR. STANSFELD said, he thought that as a change had been so recently made, the question was whether it would work well. He could confirm the statement that the clause had been introduced by the late Government as merely tentative.

Question put, "That the word 'may' stand part of the Clause."

The Committee *divided*:—Ayes 138; Noes 56: Majority 82.

MR. STANSFELD moved, line 13, after the word "soldier" to add words enabling the Secretary of State to withhold a portion of a soldier's daily pay for such a time as might suffice for the payment of the amount required to be paid under the order or decree of the justices.

MR. GATHORNE HARDY objected to the Amendment, the object of which, so far as it could properly be done, was carried out by the clause.

Amendment, by leave, *withdrawn*.

MR. P. A. TAYLOR moved, as an Amendment, in line 15, to leave out after "decree" to the end of the Clause—namely, that part relating to the summons. No woman could now proceed against a soldier in a case of affiliation without first lodging money enough to bring him from the place where he might be and then to convey him back. She must, in fact, lodge £2 which could only be repaid to her out of a payment of 6d. a-day. That was a bar to the possibility of the woman getting justice.

Amendment proposed, to leave out from the word "decree," in line 15, to the end of the Clause.—(*Mr. P. A. Taylor.*)

MR. STEPHEN CAVE opposed the Amendment. The soldier must have money to travel to the place where he was summoned to appear, and how was he to get it? It was not to be expected that the captain should provide for his travelling expenses, and his comrades were not likely to make a purse for him. The clause had been in operation for two years. The hon. Member had not brought forward a single case of hard-

ship, nor had he proposed an alternative. Had he done so, it would have been considered. But the Government were certainly not prepared to strike out the provision altogether.

MR. MUNDELLA said, that in 99 cases out of 100 the necessity of lodging £2 was a practical denial of justice to the woman. Certainly the poor betrayed woman should not be called upon to make a deposit which was beyond her means. Let the Government pay the money, and then deduct it from the soldier's pay.

MR. CAMPBELL-BANNERMAN resisted the Amendment, as there was no practical complaint against the working of the present arrangement. No instance had been brought forward of any such denial of justice as had been assumed by the last speaker to be its effect; and in the absence of any such proof he hoped the House would retain the proviso.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 122; Noes 48: Majority 74.

House resumed.

Bill *reported*, without Amendment; to be read the third time upon *Monday* next.

SALE OF COAL, &c. (NO. 2) BILL.

On Motion of Mr. GOURLEY, Bill to amend the Weights and Measures Act, regulating the sale of Coal, Culm, Cinders, and Coke, *ordered* to be brought in by Mr. GOURLEY, Mr. PALMER, Mr. DODDS, Sir HENRY HAVELOCK, Mr. CALLENDER, and Mr. HAMOND.

Bill *presented*, and read the first time. [Bill 101.]

House adjourned at a quarter before Two o'clock, till Monday next.

HOUSE OF COMMONS,

Monday, 22nd March, 1875.

MINUTES.]—NEW WRIT ISSUED—For Bridport, v. Thomas Alexander Mitchell, esquire, deceased.

SELECT COMMITTEE—Standing Orders, Mr. Henley *disch.*, Mr. Floyer *added*; Corrupt Practices Prevention and Election Petitions Acts, Mr. Butt and Mr. Malcolm *added*.

Mr. Gathorne Hardy

PUBLIC BILLS — *Ordered — First Reading —* School Attendance in Towns * [102]; Medical Act Amendment (Foreign Universities) * [103]; Burghs and Populous Places (Scotland) Gas Supply (No. 2) * [104].

Second Reading — Peace Preservation (Ireland) [77], *debate adjourned.*

Select Committee — Public Worship Facilities * [22], *nominated.*

Committee — Report — Elementary Education Provisional Orders Confirmation (Caister, &c.) * [88].

Third Reading — Mutiny *; Linen and Yarn Halls (Dublin) * [90]; Glebe Lands (Ireland) * [23], and *passed.*

Withdrawn — Burghs and Populous Places Gas Supply (Scotland) * [73].

vernment. As, however, he did not know what particular point the hon. Gentleman had in his mind, he was afraid he could not answer the Question.

THE LOCK-OUT IN SOUTH WALES.

QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, Whether it be true, as stated by Mr. G. W. Clark, the Chairman of the Merthyr Board of Guardians, at a recent meeting which was reported in the "Western Mail," that the Secretary of State had placed at the disposal of the Chairman of the said Board of Guardians a force of military and police; whether he was aware that Mr. G. W. Clark was one of those concerned in the lockout in South Wales; whether he can state to the House if Mr. G. W. Clark applied for the police and military force after he had consulted his brother magistrates of the district, or did it on his own responsibility; and, whether he will lay the Correspondence that took place between himself and Mr. G. W. Clark upon the Table of the House?

MR. CALLAN asked the Chief Secretary for Ireland, Whether it is a fact that a money payment has been made to Mr. John M'Caffrey, junior, of Dundalk, as compensation for an alleged withholding or cancelling of a licence to carry arms under the Peace Preservation Act; and, if so, by whose orders, out of what fund was the money paid, and to whom charged?

SIR MICHAEL HICKS - BEACH, in reply, said, the case alluded to took place before he came into office, and appeared to have been pressed upon the attention of the late Government. The man had lost his licence to carry arms, and, owing to some neglect or carelessness, he was for some time deprived of the right of carrying arms. For that deprivation it was thought that some compensation ought to be given to him, and a few pounds were, accordingly, awarded to him as compensation. He must decline to say out of what fund the money was paid.

LOCAL GOVERNMENT (IRELAND) — LEGISLATION. — QUESTION.

MR. MOORE asked the Chief Secretary for Ireland, Whether he intends bringing forward any measure this Session dealing with Local Government in Ireland; and, if so, when he hopes to lay it before the House?

SIR MICHAEL HICKS-BEACH, in reply, said, that the Question covered a very wide ground. It was probable that almost any measure he might introduce relating to Ireland would to some extent deal with the subject of local go-

vernment. MR. ASSHETON CROSS, in reply, said, he was not aware till very lately that Mr. Clark was Chairman of the Board of Guardians, although he was aware he was one of the masters concerned in the lock-out in South Wales. As the hon. Member appeared to be under some misapprehension as to the facts of the case, he would briefly state them. The first intimation or request made to him about this matter was not by Mr. Clark alone, but by the stipendiary magistrate, who called upon him on the 25th of January, and requested him to send some of the metropolitan police into the district. He declined to accede to the request, and heard no more of the matter until the 23rd of February, when he received a letter from the stipendiary magistrate to the effect that he had received intelligence from the superintendent of the county police, who was of opinion that riots would probably occur, and that in the then existing state of the force under his control, without help, it would be impossible for him to preserve peace. He went on to say that if he could obtain 100 additional police, it would be sufficient to preserve the

peace. If it were impossible to obtain that number, he asked that a military force might be in readiness in case any disturbance should take place, adding that they would not be sent for unless their services were actually required. Those persons, he stated, who were best able to give an opinion on the subject seemed to think that special constables would be of no service in the present state of affairs, and the stipendiary added that what he had himself seen that morning on his way to the police court gave him strong reasons for believing that the opinion of the superintendent of police was well founded. That communication he (Mr. Cross) forwarded to the War Office, and orders were given in consequence of it alone. He received a similar communication from Mr. Clark, and this 'was the whole Correspondence on the subject.

TRADE MARKS—LEGISLATION.

QUESTION.

DR. CAMERON asked the President of the Board of Trade, Whether it is his intention, this Session, to introduce a Bill dealing with the question of Trade Marks?

SIR CHARLES ADDERLEY, in reply, said, that a Bill on the subject referred to in the Question of the hon. Member had been prepared, and he hoped the hon. Member for Whitehaven (Mr. C. Bentinck) would move for leave to introduce it immediately after Easter.

GLEBE LOAN (IRELAND) ACT, 1870.

QUESTION.

MR. FRENCH asked the Chief Secretary for Ireland, Whether it is the intention of Her Majesty's Government to introduce a Bill this Session for the continuance of "The Glebe Loan (Ireland) Act, 1870," which expires in September next?

SIR MICHAEL HICKS-BEACH, in reply, said, that the subject had been brought under his notice by the right hon. and learned Baronet the Member for Clare (Sir Colman O'Loughlen) during the debate on the Bill introduced this Session by the hon. Member for Downpatrick (Mr. Mulholland). He was not yet able to announce whether it would be his lot to introduce a Bill that

Session for the continuance of the Act. It would be necessary that some communications should first pass between the Treasury and himself and the Lord Chancellor of Ireland, who was expected very shortly in London.

POST OFFICE—MAIL SERVICE IN THE NORTH OF SCOTLAND.

QUESTION.

MR. LAING asked the Postmaster General, Why the correspondence of the counties of Sutherland, Caithness, and Orkney has been deprived of all connection with the up limited mail, except on Sundays, since the opening of Railway communication to Wick and Thurso in July last; whether it is the intention of the Post Office to restore that connection; and, whether it is intended to accelerate the down limited mail, so as to reach Wick and Thurso in time for an evening delivery in those towns, with a corresponding acceleration of the mails to and from Orkney?

LORD JOHN MANNERS, in reply, said, that the trains between Sutherland and Caithness, on the Highland Railway, did not run in connection with the up limited mail, and the cost for a special train in the night would be so much out of proportion to the advantage to be gained that the Government would not be justified in incurring it. There was no present intention to accelerate the down mail, for even if it were done, it would only allow of the delivery of letters at Thurso late at night and the despatch of mails for Orkney the next morning as at present.

POST OFFICE TELEGRAPHS—ORKNEY AND SHETLAND.—QUESTION.

MR. LAING asked the Postmaster General, Why Orkney and Shetland have been so long deprived of the benefit of a postal telegraph; and how soon they may expect to be placed on a footing of equality with other parts of the Kingdom in this respect?

LORD JOHN MANNERS, in reply, said, that the negotiations for the purchase of the telegraphic cables to Orkney and Shetland had been in progress since the beginning of 1873. So many difficulties had arisen in the matter that no settlement had yet been arrived at, and

Mr. Assheton Cross

he was afraid he could not at this moment say how soon such a settlement would be made.

ARMY PROMOTION—CAPTAINS OF THE LINE AND ROYAL MARINES.

QUESTION.

MR. WHALLEY asked the Secretary of State for War, with reference to the promotion to the brevet rank of Major in 1872 of certain Captains of the Line and Royal Marines whose commissions bore date previous to April 1860, Whether it is intended to concede similar promotion to those Captains of the Line and Royal Marines whose commissions as Captains are anterior to May 1863, many of whom have held that rank for upwards of nineteen years, and all having been superseded by the promotion of the first Captains of Engineers and Artillery in 1872?

MR. GATHORNE HARDY, in reply, said, that although, in consequence of the numerous promotions in the Artillery and Engineers, there had been a large supersession of the captains of the Line and Royal Marines, that supersession had not extended so far as was generally thought; because, though the length of service of captains in the Artillery and Engineers had been longer as such than that of the Captains of the Line, yet, in their general service, their relations were pretty nearly equal. The question was one of such magnitude that he was unable at present to hold out any promise as to what might be done.

THE BOARD OF TRADE—NIGHT ATTENDANCE.—QUESTION.

MR. PLIMSOLL asked the President of the Board of Trade, Whether he will consider the advisability of keeping some officer in attendance at the Board of Trade Offices in Whitehall during the night, to act immediately upon such telegrams as may arrive from Board of Trade Surveyors at the Ports, asking for instructions in cases in which ships are apparently dangerously overloaded and which are about to go to sea in that condition?

SIR CHARLES ADDERLEY: Sir, the office-keeper and porter remain at the Board of Trade every night, and they receive any telegrams which arrive

from surveyors at night, and forward them immediately to the officer responsible for the subject of them, who is often so called up at night, and has sometimes himself to go on inspection of a ship going to sea. It would not be advisable, in the language of the Question, to have a staff of officers kept every night at Whitehall qualified to act themselves immediately on such telegrams.

MR. PLIMSOLL said, he should repeat his Question, because, on calling at the Board of Trade at night, he had found telegrams which would not have been delivered but for his calling.

ARMY—LANDGUARD FORT.

QUESTION.

COLONEL JERVIS asked the Secretary of State for War, Whether the attention of the War Department has been called to the following passage of a Report by Sir John Cooke, C.E., dated May 26th, 1874, to the Board of Trade, respecting Landguard Common:—

“With respect to the danger to be apprehended from the encroachments of the sea, if the eastern and western foreshores of Landguard Common be not protected by means of such works as I have recommended, there would be reason to apprehend that on the first occurrence of unusually high tides, accompanied by strong gales from any point between S.E. (by South) to S.W., further and much more considerable damage would be done, and it would be far from improbable that a second channel might be cut through from the German Ocean to Harwich Harbour, isolating Landguard Fort, the lighthouse, and works at the point, a state of things which I need scarcely say would prove seriously detrimental to all interests concerned;”

and, whether he is aware that it is proposed to close up Walton Creek adjoining the said common, and that the Harwich Harbour Conservancy Board have drawn the attention of the War Department to the probability that the closing of such creek before the War Department has been enabled to carry out the work necessary for the due protection of Landguard Common, would most probably cause that very disaster pointed out by Sir John Cooke; and, if so, what steps have been taken in the matter by the War Department?

MR. GATHORNE HARDY, in reply, said, the attention of the War Department had been called to the passage in a Report by Sir John Cooke, alluded to

in the Question; they were also aware that it was proposed to close up Walton Creek, adjoining Landguard Common, and had called the attention of the Board of Trade to the proposal. The War Department had ascertained from the Board of Trade that they were willing to carry out the project of Sir John Coode. Action, however, was deferred, pending the acquisition by the War Department of the land on which the works would have to be carried out, and in respect of which a notice under the Defence Act had been served on the lord of the manor. It should be observed that, although the War Department was concerned in the matter so far as related to the preservation of the ground occupied by Landguard Fort, the question of preventing the formation of a channel through the Landguard Peninsula from Harwich Harbour to the sea was one for the Board of Trade to deal with in communication with the Harwich Harbour Conservancy Board.

INLAND REVENUE OFFICE, BRISTOL. QUESTION.

MR. KIRKMAN HODGSON asked the First Commissioner of Works, What steps have been taken to carry into effect the recommendation of the Commissioners of the Inland Revenue for the removal of the Inland Revenue office in the city of Bristol to a more central position?

LORD HENRY LENNOX, in reply, said, his attention had been called to the recommendation of the Inland Revenue Commissioners in the matter referred to. It was now under his consideration; but he feared he could not at present give any distinct promise that the work would be proceeded with this year.

THE METROPOLITAN BOARD OF WORKS BILLS.—QUESTION.

COLONEL MAKINS asked the Secretary of State for the Home Department, If his attention has been drawn to the fact of Bills being introduced by the Metropolitan Board of Works at great cost to the ratepayers, without any statutory authority enabling them to initiate legislation, especially in reference to the gas supply of the Metropolis; and, whether the Government

propose to confer such power upon that body by special Act?

MR. ASSHETON CROSS, in reply, said, the Government had no such intention; but the Metropolitan Board of Works claimed the power under the Metropolis Local Management Act, a section of which said that where it appeared to the Board that further powers were required for the purpose of any work for the improvement of the metropolis or for the public benefit, the Board might apply to Parliament, and the expenses of such application might be defrayed like other expenses of the Board. The Board also claimed that under other Acts similar powers were conferred upon them, more especially with regard to gas. There was no intention on the part of the Government to increase the power which the Board already had in this respect.

DEATHS BY AGRICULTURAL MACHINERY.—QUESTION.

SIR EDWARD WATKIN asked the Secretary of State for the Home Department, If his attention has been called to the fact reported by the Registrar General, that in the three years 1870, 1871, and 1872, two hundred and twelve deaths have arisen from accidents connected with agricultural machinery; and, if he proposes to institute any system of inquiry into the causes of this class of fatal accidents?

MR. ASSHETON CROSS, in reply, said, it was perfectly true that during 1870, 78 deaths had occurred from accidents caused by agricultural machinery; that in 1871 there were 64 such deaths; in 1872, 70; and in 1873, 68. It was not, however, the intention of the Government to make any special inquiry into this matter, because all the causes of death were to be found at the office of the Registrar General. The information, therefore, was open to anyone who chose to go to the Registrar General's office.

PUBLIC HEALTH BILL.—THE AMENDMENTS.—QUESTION.

MR. ERNEST NOEL asked the President of the Local Government Board, in reference to the Public Health Bill, Whether it is his intention to have the

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Clauses that are amendments of former Acts, printed separately, so as to keep distinct such parts of the Bill as are merely for the purposes of consolidation from those which are changes in the Law?

MR. SCLATER-BOOTH, in reply, said, that he intended to have the whole of the substantial Amendments introduced into the Public Health Bill set forth and clearly explained in a Paper which would accompany that measure. The Paper would contain detailed references to every clause in which these Amendments occurred.

INFANT LIFE PROTECTION ACT, 1872
—BABY FARMING AT EXETER.

QUESTION.

MR. CHARLEY asked the Secretary of State for the Home Department, Whether his attention has been directed to the evidence adduced at the trial of a baby farmer, named Bessy Binmore, sentenced by Mr. Justice Lush at the Exeter Assizes to twelve years' penal servitude for starving to death an infant entrusted to her care, that three other infants entrusted to her care had died in her house during the previous eighteen months, and that her house was unregistered under "The Infant Life Protection Act, 1872," (35 and 36 Vic. c. 38); also to the statement of the learned Judge at the trial that "baby farming had of late prevailed to such an extent that it was necessary to vigorously suppress or efficiently regulate it;" and, whether he is willing to issue a circular to the local authorities named in the Schedule to the Infant Life Protection Act, calling upon them to enforce that enactment in their respective districts?

MR. ASSHETON CROSS, in reply, said, his attention had been called to the case. Mr. Justice Lush informed him that the case was a very bad one, and in consequence he had found it necessary to pass a severe sentence; and that in the course of the trial he had expressed his surprise that the local authorities had not provided any register, and that no means had been used to put in force the Act of 1872. It was to be hoped that the case would awaken attention among local authorities to the requirements of the Act, and that a register would be provided. Before issuing

a Circular, as requested by the hon. and learned Gentleman, the best way would be for him to move for a Return of all the baby farms which had been registered. If he did so, he (Mr. Cross) would not object to it.

MR. CHARLEY gave Notice that he would move for such a Return.

NATIONAL SCHOOLS (IRELAND)—
DRILL.—QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, If it is true that in the "Instructions to Inspectors on the Examination of Children in Public Elementary Schools," issued by the Education Department (England) on the 8th May 1871, the following instruction is laid down:—

"You should reckon the discipline of a School imperfect in which a certain amount of drill is not part of the School routine: If time is set down in the 'Time-Table' for drill, you should see the boys put through their exercises;"

Whether it is true that in Ireland a monitor, teacher, or inspector of Schools would be liable to prosecution and imprisonment for teaching, inspecting or acting in a like manner; whether it is true that, under the "New Code (England)," under the headings "Grants to Evening Schools, Articles 106—112, Calculation of Attendance," it is laid down (in order to secure the Capitation Grant),—

"24. Attendance of boys at drill under a competent instructor for not more than two hours a week and forty hours in the year, may, in a Day School be counted as a School attendance;"

Whether it is true that "such attendance of boys" at drill in Ireland, whether in School or elsewhere, would render them liable to prosecution and imprisonment; whether prosecution and punishment of boys of sixteen and seventeen years of age in Ireland cannot be cited in which no other offence was charged against them than that of "keeping step" on a public road; and, whether boys removing from a School at Liverpool to one in Dublin will carry along with them to Ireland the immunity from prosecution, and the State encouragement to drill under which they had studied in England?

SIR MICHAEL HICKS BEACH, in reply, said, that the hon. Member had in this instance specified very exactly the

points on which he required information. Any Question, however, which related to the proceedings of the English Education Department, or to the instructions issued by that Department, ought to be addressed to his noble Friend the Vice President of the Council (Viscount Sandon). For his own part, he had no means of obtaining the information in that respect other than those open to the hon. Member. But with respect to Ireland, it was by no means true that a monitor, teacher, or Inspector of Schools would be liable to prosecution and imprisonment for teaching, inspecting, or acting in the manner alluded to. Nor were children attending and learning school drill liable to such "prosecution and imprisonment." As a matter of fact, the discipline of the National Schools in Ireland would be considered imperfect, unless it embraced a certain amount of drill as part of the school exercise. As to the cases of boys of 16 and 17 years of age being punished for keeping step on a public road, no such case had ever come under his notice; but school drill was a different thing from military drill for disloyal purposes. Boys removed from Liverpool to Dublin enjoyed in the matter of school drill the same advantages, he believed, as they would do in this country.

MR. SULLIVAN gave Notice that on an early day he would call attention to the matter, to enable the Chief Secretary to ascertain where the convictions referred to were carried out.

INTOXICATING LIQUORS ACT (IRELAND)—INCREASE OF CRIME.

QUESTION.

MR. SULLIVAN asked the First Lord of the Treasury if his attention has been called to the charge of the Lord Chief Justice of Ireland to the Grand Jury of Kildare County on the 16th instant, and the charge of Mr. Baron Dowse to the Grand Jury of Wexford County on the 17th instant, in which those Judges deplored the recent serious increase of crimes arising from intoxication, while noticing the decrease of crime which otherwise would have been displayed in the calendar; whether his attention had been called to like declarations from many of the Irish Judges during the recent assizes; and, whether, in view of

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these declarations by Her Majesty's Judges and of the strong representations of the Irish Members as to the certainty of such results arising from such increased facilities for drinking as were afforded by the Intoxicating Liquors (Ireland) Act of last year, it is the intention of Her Majesty's Government to propose the repeal of the said Act?

MR. DISRAELI: Sir, my attention, and I believe that of hon. Members of the House, has been called to the recent charges of eminent Irish Judges to the Grand Juries of that country, as to the great increase of crime arising from intoxication. But I have not observed from any of those Charges that that increase has been attributed by any Judge to the Intoxicating Liquors Act of last year. Of that Act we must necessarily have a very slight and limited experience; it is similar to the Act passed in England, and therefore I cannot announce to the hon. Gentleman that it is the intention of Her Majesty's Government to propose its repeal. At the same time, I must state, touching this subject, that my right hon. Friend the Chief Secretary to the Lord Lieutenant, when he brings in the Prison Discipline Bill, will take care, by the introduction of a clause for enforcing better discipline and carrying out the sentence, to do that which incidentally and indirectly will have a tendency to check those excesses which proceed from drinking.

PEACE PRESERVATION (IRELAND)

BILL—[BILL 77.]

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Michael Hicks-Beach.*)

LORD ROBERT MONTAGU said, that this Bill raised one of the most important questions which could be brought under the consideration of Parliament, going as it did to the very root of legislative power, and touching immediately the liberties of the subject. It was a Bill, moreover, which was regarded with thrilling interest and the greatest anxiety by a considerable portion of Her Majesty's subjects. That being so, it was

not too much to ask the House to lay aside every prejudice, and endeavour calmly and deliberately to consider the question in order that they might arrive at a just and right conclusion—and there were many prejudices which would have to be discarded if Parliament wished to arrive at such a conclusion; and among them was the most common of the failings which beset the human mind—the desire of exercising power. There were two different kinds of power, the exercise of which produced very opposite results. There was the power that consisted in the exercise of moral influence; and the man who sought to exercise that power might be held to be actuated by a moral ambition. On the other hand, there was a power which consisted in the exertion of physical force; and to use this was justly regarded as ignoble, and it generally culminated in rendering the user an oppressor and tyrant. Well, government by physical force was the simplest of all forms of government, inasmuch as the Governor had simply to declare his will. That kind of government, however, was not that which tended to the happiness or to promote the contentment and loyalty of the people. Coercion was readily had recourse to because it was so easy; and when these exceptional acts were repeated frequently they at length became the permanent form of government. That most certainly was not the way to govern; and his proposition was that exceptional or coercive legislation was neither right nor expedient, but was, on the contrary, most unjust and impolitic; and he said the employment of physical force was so ready a means of government that it behoved every Government to be on their guard lest they should shirk the difficult task of acquiring moral influence. Count Joseph De Maistre had said what had since been frequently quoted, that “any one could govern in a state of siege;”—meaning that as long as you had physical force at your command it was easy to make people do what you desired. But the danger was that some day that physical force would fail, and that the predominant power of the population on which you relied might withdraw their allegiance. Then that would happen which we are told of in Holy Writ, when one of the most powerful Kings of Israel, in the glowing language of Scripture, said to his sub-

jects, “My father chastised you with whips, but I will chastise you with scorpions.” But the physical force on which he relied did fail him in an unlooked-for hour, and ten-twelfths of his kingdom were taken away. The true ruler, on the contrary, did not seek to govern by physical force, but by moral influence. The Chief Secretary stated as one reason for introducing a Coercion Bill, that the people of Ireland wanted separation from this country. He (Lord Robert Montagu) might meet that statement with a direct denial; but assuming it to be correct, what deduction did he draw from it? That the English Government had not known how to rule, but had resorted to coercion to save them the trouble of learning how to govern. The assertion of the Chief Secretary was therefore a condemnation of his own and previous Governments. What he called exceptional legislation was the application of different fundamental principles of legislation to different parts of the country. England was to be governed upon the principles of freedom of conscience, liberty of the Press, and liberty of the subject; while Ireland was to be governed on the principles of intolerance, under Press laws, under a system of restraint, and what he might almost call illegal imprisonment. That he would say was exceptional legislation; and when such legislation was had recourse to, they applied a system of freedom to one country and of coercion to the other. Such a principle was unknown to our earlier history. Until the time of Queen Anne the principles of all legislation were agreed to and published by the King in Council, and every parish was allowed to apply those principles as it thought fit. Even in taxation no budget was brought forward, but each county was told what quota it had to pay, and the different parishes imposed the taxation on houses or lands as they thought proper. England in those days was but a federation of free Republics. To apply that to Ireland, what was the system proposed by the present Prime Minister? What was required, he said, in 1868, in a very remarkable speech, was this very freedom of Government under a strong Executive. His opinion was that “they should return to the ancient system of self-government.” “Local self-government” and “freedom” were synony-

mous terms according to the present Prime Minister. Although he (Lord Robert Montagu) did not belong to his Party he was proud to say he had learned the principles of political science from the right hon. Gentleman. On the 18th of March, 1869, the present Prime Minister said—

“The Tory Party, however it may at times have erred, has always been the friend of local government, and . . . on local government political freedom depended.”—[3 *Hansard*, cxciv. 1693.]

He might make a similar quotation from the late Prime Minister: and when two such eminent men agreed in opinion, they could not do wrong in accepting their *dicta*. The late Prime Minister had just published a pamphlet on what he called “Vaticanism.” He did not agree with the doctrines the right hon. Gentleman laid down in that pamphlet; but he agreed with him in this—that,

“As a rule, the real independence of States and nations depends upon the exclusion of foreign influence proper from their civil affairs. Wherever the spirit of freedom, even if ever so faintly, breathes, it resents and reacts against any intrusion of another people or Power, into the circle of its interior concerns, as alike dangerous and disgraceful.”

With the adoption of Revolutionary principles came centralization, which imposed the details of laws on all the people of a country, regardless of the special conditions of any locality. These centralized laws were felt to be a hardship; but, instead of returning to the true principle of local government, we resorted to the bungling system of permissive legislation. It would be far better merely to assert the principles of legislation, and to leave each locality to apply them in its own manner. If, then, it was a hardship to enforce details on all places alike, how much greater was it when we altered the principle of law, and forced on one part of the Kingdom principles which were utterly alien to its feelings and destructive of its progress. They were told in *Blackstone* that the Habeas Corpus Act was the second Magna Charta of the liberties of Englishmen, because through it no man could be detained in prison without just cause. But while the Habeas Corpus Act was enforced in England, while no one was arrested on suspicion, and while no one could be detained longer than was necessary to bring him to a fair trial, in Ire-

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land it was quite different. In that country a man might be arrested and thrown into prison on suspicion, on mere surmise, on a calumny whispered into the ear of a magistrate, and the arrested person might be detained during the pleasure of the Lord Lieutenant. So that in the most important matter affecting the liberty of the subject, there was one law for England and Scotland, and another for Ireland. Such inequalities would be deemed astounding by an “intelligent foreigner” from China or Japan. They could be justified only on the ground of necessity. The late Prime Minister, speaking of the Peace Preservation Act in 1870, said it was not a measure to be adopted unless under a most stringent necessity; it was a strong application, like alcohol, which might give temporary relief, but which laid up disease for the future, and it ought to be applied only on the apprehended outbreak of civil war: and the present Leader of the Opposition (the Marquess of Hartington) said the Government would not be justified in bringing forward the measure until every other remedy had been tried and failed. And the present Prime Minister, in a speech he made last year at Buckingham, declared that “Ireland was ruled by coercive legislation of the most severe and most stringent kind,” that it “was governed by laws of coercive and stringent severity, such as did not exist in any other quarter of the globe;” and he asked—and properly asked—such coercive severity need continue until the year 1875?—and he said in this speech that the country was debauched by the application of laws founded on violence and aggression. Thus, the right hon. Gentleman traced the necessity for coercion in the present to coercion in the past. He also spoke of Members being returned who were pledged to the “dismemberment of the Empire;” but in applying that phrase to the adherents of Home Rule, he did them great injustice, because it was the object of Home Rulers to strengthen the unity of the Empire by returning to ancient and Tory principles of Government. No one in Ireland desired to bring about Home Rule by violence; its advocates sought it only by persuasion, argument, and legislation. In introducing this Bill, the right hon. Gentleman the Chief Secretary for Ireland said it was his duty to show that such legisla-

tion was necessary; but, instead of making out a strong case for it, he did the very reverse. He said the country was comparatively free from theft, immorality, and those crimes of brutal violence which too frequently occurred in England, and he showed that there was a remarkable diminution in agrarian crime, and for these reasons he said the re-enactment of the law would require careful consideration—yet after this declaration, the right hon. Gentleman came down to that House, and announced that the Peace Preservation Act must still be kept in force. The Protection of Life and Property Act applied only to Westmeath—the county he had the honour to represent—and in that and the adjoining county the right hon. Gentleman said the absence of violence bore testimony to the extinction of the Ribbon conspiracy. Crime, he said, had diminished in Ireland—but still the country must be coerced. Such statements went to prove that exceptional legislation was unjust. Under the Peace Preservation Act there had been only 144 seizures of arms, in respect of which 38 persons were summoned; only 14 were arrested, and of these 4 were committed, and 10 were discharged. Many of these charges had reference, perhaps, to the possession of a fowling-piece, or a blunderbuss which would not go off. Of 36 persons arrested for being out at night only 4 were committed, the other 32 being set at liberty. Of 12 persons arrested for merely being strangers, only 2 were committed. Three witnesses were arrested on suspicion that they were about to abscond, and they were all discharged. In 1870 the number of agrarian outrages said to have been committed were 1,329, of which a large number occurred in Westmeath—and this constituted the alleged necessity of the measure. That number went on decreasing every year, until in 1874 only 213 cases of agrarian outrage occurred, and they were nearly all cases of writing threatening letters. Under the Life and Property Protection Act there were 19 arrests in 1871, and not a single arrest in 1874, nor had there been a single person in prison for offences under the Act since June, 1874. So far from making out a case, these figures showed that the Act was not necessary, and if it was unnecessary nothing could be more unjust or imprudent. If the House examined the general statistics

of Irish crime, it would be found from a Blue Book published last autumn, that in the year 1864 the number of indictable offences throughout Ireland was 10,865. They went on gradually diminishing until 1873, the last year given, when they were 6,942. Previous to 1864 the agrarian outrages in Ireland were about 356 a-year; in the year 1872-3 they were only 255. The number of violent and dangerous assaults and of ordinary assaults showed a similar diminution. The Returns proved a singular fact—which was admitted by the right hon. Gentleman the Chief Secretary himself—that in Ireland crime, generally speaking, was concentrated in the large towns, while the rural districts were comparatively free. Thus the excess of crime in Dublin over Westmeath was not less than 92 per cent, yet there was no Protection of Life and Property Act for Dublin. In Cork city the excess of crime over Westmeath was 66 per cent; in Galway, 64 per cent; while in Kildare, the rural district in which crime was most frequent, the excess was 36 per cent more than in Westmeath. Yet no Peace Preservation Act was put in force against these localities; while unfortunate Westmeath had to suffer the full infliction. Again, the rural district of Kildare was higher in crime than any other in Ireland:—and why? because there was a camp of English soldiers at the Curragh of Kildare—against whom no Peace Preservation Act was put in force. In 1873 the Prison Inspectors asserted that most of the crime in Ireland was due to drunkenness. An able statistician, Dr. Hancock, had pointed out the effectiveness of the machinery for the apprehension and detection of crime in Ireland. Excluding the superior officers there were 25 policemen for every 10,000 people in Ireland, while there were only 12 in England and Wales. While only 25 per cent of offenders escaped in Ireland more than 50 per cent escaped in England. Yet, with all this well-paid machinery for the detection of crime in Ireland, 22 per cent less offences were committed than in England. If, too, they examined the number of persons sentenced to penal servitude and to capital punishment respectively in England and Ireland, the latter country would be found in the better position. If coercive and exceptional legislation was necessary for Ireland it followed

a fortiori that the Government ought to propose it for England and Scotland. As the Chief Secretary for Ireland had alluded to the rampant brutality which prevailed in England, he had, for want of anything better to do, cut a few little scraps out of *The Times* of riots and violent assaults during the last few months. There were, for example, the Fraserburg riots, where 300 or 400 people sacked the police office and threw the furniture out of the window. Then came a disturbance and riot at Sheffield on Saturday, at midnight; there was fierce fighting in the streets, there were cries to burn down the house of one of the offending parties, and a large number of police were assaulted and brutally injured; and a fight at Alnwick between the pitmen. Then there was an extract from *The Pall Mall Gazette* narrating how three men had assaulted a married man who was standing at his own door, insulted his wife, and on his interfering to protect her, knocked him down and attempted to murder him. The number of cases of violence reported from various parts of England was so great that no one could have been surprised to hear some time back that the Home Secretary was meditating a sort of Coercion Bill for England. He, for one, however, was astonished to learn subsequently that the right hon. Gentleman had abjured his intention, for it was clear that a measure of the kind was much more urgently needed in England than in Ireland—especially after the ruffianism they had heard of as having occurred at Birmingham and Hanley. He thought, then, that he had clearly shown coercive Acts to be unnecessary in Ireland, and, being unnecessary, it followed that they were unjust. It might be asked why two Governments, one of which professed to be Liberal but was, in reality, most illiberal, and the other of which, while professing Toryism, abjured that principle of self-government which, according to the Prime Minister, was at the root of Toryism, should have forced coercive legislation upon Ireland? The reasons were not far to seek. The landlords of Westmeath, who desired to make evictions, had memorialized the Irish Government to liberate the "captains" of the Ribbonmen from prison—the object of the memorialists being that these "captains," if well paid, should give timely information to the magistrates

and the landlords and would also protect the last-named class in the carrying out of their eviction processes. A short time back the Chief Secretary for Ireland said he was not aware of these memorials; but he (Lord Robert Montagu) was aware of them, and knew the names of some of the signatories.

SIR MICHAEL HICKS-BEACH: The noble Lord is in error. I did not say I was not aware of these memorials. What I did say was I had made inquiries, and that no such memorials had been presented.

LORD ROBERT MONTAGU was afraid the right hon. Gentleman had been misinformed. Such memorials had been presented signed by magistrates, and one of the persons liberated in consequence of such memorials was Captain Duffy, who was at the present time at large in Westmeath. If the Chief Secretary was not aware of any such memorials was it not somewhat curious that the Bill now before the House should contain a clause giving the Lord Lieutenant power to do the very thing for which they petitioned? Why did they insert a clause providing that the Justices should have power to liberate prisoners whom they deemed it "inexpedient" to punish without proceeding to conviction. If the persons charged were innocent it would be the plain duty of the Justices to discharge them, and no discretionary power of discharge would be necessary. The obvious meaning of the clause was to empower the Justices, who desired this timely information, to liberate evil-disposed persons who had hitherto been engaged in misleading the people. It was a great injustice to the people of Ireland, and it was specially unjust to the people of Westmeath, to give power to the Justices to set at liberty the members of illegal societies. There was another clause in the Bill to which he took exception. This was a clause to continue the operation of an Act of 2 & 3 *Vict.* c. 74, continued by the 11 & 12 *Vict.* c. 89, in relation to the taking and administering of unlawful oaths in Ireland. The first mentioned Act was passed in order to exempt the Order of Freemasons on certain conditions from the operation of the Act of 50 *Geo.* III. c. 102, and 4 *Geo.* IV. c. 87, against the administering and taking unlawful oaths in Ireland. The Act of 2 & 3 *Vict.* rendered it penal for any Society to

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have and use secret signs and passwords; all persons offending against the provisions of that Act were declared to be guilty of felony, and liable to seven years' transportation; but the second clause exonerated Freemasons from these consequences on condition that two members of the lodge made a declaration on oath before a justice of the peace that the lodge was formed in conformity to the ordinary rules of the Freemason's lodges of the kingdom. Another condition was that on the 25th of March in every year two members of each lodge were to appear and swear before a magistrate, and declare what were the objects of the society, and also deposit with the clerks of the peace a list of the members and office-bearers; otherwise they might be held guilty of felony and subjected to seven years' transportation. He had made inquiry in Dublin recently, and found that the conditions of the exempting Act had not been complied with in any instance, so that every member of a Freemasons' lodge in Ireland was at the present time a felon, and liable to seven years' transportation. It was not difficult, therefore, to imagine a Law Officer of the Crown, who happened to be a member of the Grand Lodge in Dublin, being called upon to prosecute himself. Imagine the hon. and learned Gentleman or the right hon. Gentleman the Chief Secretary for Ireland, when he interposed to prevent O'Donovan Rossa or Mitchel from taking their seats in this House, being interrupted by the information that he was as much a felon as they were, and equally disqualified from sitting in the House of Commons. If it could be shown that the right hon. Gentleman was a member of any such illegal Society and subject to those penalties, the career of the right hon. Gentleman, hitherto so brilliant, would by this untimely discovery be nipped in the bud. He might go further and imagine worse. He might imagine the popular Lord Lieutenant, on returning to the seat of his Government, anticipating a brilliant reception and a warm welcome from the people of Ireland—and finding himself in the custody of two sergeants of police, on the charge that he was a member of a Secret Society, being the Master of a Lodge that had not fulfilled the conditions of 2 & 3 *Vict.* c. 74, continued by 11 & 12 *Vict.* c. 89, and therefore guilty of a felony and liable to

seven years' transportation under 50 *Geo.* III. c. 102. Of course, this was all pure imagination; but, in point of fact, each of these distinguished men was liable to punishment under the existing law. It would be a sad thing for Ireland to find her popular and handsome Lord Lieutenant wasting his sweetness on the desert air of Van Diemen's Land. It was clear that legislation at variance with constitutional principles was carried out differently in different parts of the country. The policy which he would desire to see pursued towards Ireland was that indicated by the Prime Minister himself when he said that the Irish ought not to be treated as a conquered people; and the Tory Party boasted that their policy was to give to the Irish people a power of local self-government. The Prime Minister knew the generous hearts which Irishmen possessed; he knew that in the warmth of their affection they would forget the past, however unjust it had been, if only a kind sympathy were extended to their country, and that they would heartily co-operate with him in carrying out a just system of government in the future. Having read history, the Prime Minister knew that the Irish were the bravest of the brave—he knew how Irishmen had distinguished themselves in the Peninsular, in the Crimean War, and in every other war, and he knew that they, of all peoples, most hated oppression and injustice. He (Lord Robert Montagu) warned the Government that the Irish people would some day resent the tyranny under which they groaned, and that the continuance of coercive measures would bring about that very dismemberment of the Empire which was now so much dreaded. He called upon them to be wise in time, while as yet the Irish people might be turned into their warmest friends and supporters; and remarking that Ireland had always been the weak point of this country, he reminded them of the Pennsylvanian line, which turned the tide of victory at the time our North American Colonies separated from us. The policy he urged upon the present occasion was the policy of the Prime Minister as announced in his speech in April, 1868:—

“I say that during the period when I have had a lead in public life—I am sorry to say more than five-and-twenty years—I have acted

conscientiously on this principle alone, and I ask what was the policy which we pursued in Ireland? That policy was a policy of conciliation."

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House disapproves of the imposition or maintenance of exceptional legislation, except in those cases where urgent grounds, proving the necessity of it, have been clearly shown; and that sufficient grounds for the maintenance of any exceptional legislation have not been proved to exist at present in Ireland,"—(*Lord Robert Montagu*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. R. E. PLUNKETT: Sir, I do not propose to follow all the ramifications of the discourse of the noble Lord the Member for Westmeath (*Lord Robert Montagu*), nor to comment upon the first part of his speech, as the question of Home Rule is not at present before the House. With regard to the second part, I will only say that his statistics as to the diminution of crime in Ireland must afford pleasure to every Irishman. But they only show that these restrictive measures have been successful, not that they should be repealed. Could he have produced such statistics before these restrictions were imposed, there would have been no question of imposing them. But by way of an argument against their continuance, he states that in England, where these laws do not exist, there is more crime than in Ireland, where they do. He even shows that in those parts of Ireland where only the less stringent of them are in force, crime is 92 per cent, 56, and 34 per cent in excess of the crime in those districts where these measures are imposed in all their stringency. It is admitted that Ireland is at present governed by laws of exceptional stringency, and the question before the House is, whether these laws, so far as they are not repealed by this Bill, ought to be continued. And the principle upon which we must decide appears to be a very plain one. If the ordinary laws of the United Kingdom are sufficient to preserve peace and to protect life and property in Ireland, we ought not to add to them others of an exceptional character. If, on the other hand, the ordinary laws of the Kingdom are ineffective, or cannot be

carried out in Ireland, then it is clearly the duty of any Government of that country to pass such supplementary measures as shall be necessary to keep the peace and to give protection to life and property. The question has been raised whether we have evidence of the insufficiency of the ordinary law. I fear that the history of Irish trials, even of those which have recently taken place, shows only too clearly that the ordinary law is not sufficient. If witnesses can be found, they give evidence at the risk of their lives, and even upon the clearest and most conclusive evidence, juries will not dare to convict. Until we can rely upon Irish juries to do their duty we cannot say that the ordinary law is sufficient for Ireland. Then we have the declaration of the right hon. Baronet the Chief Secretary for Ireland, that the Government have information which satisfies them that these restrictive measures cannot yet be withdrawn; but he added that this information could not, without breach of faith, be laid before the House. Certainly that reservation has a most unpleasant sound about it; and probably, when the noble Lord the Leader of the Opposition rose to reply, some hon. Members may have expected that he would take exception to it. But the noble Lord had himself been Chief Secretary for Ireland, and had in that capacity earned respect both in Ireland and in England; and he, speaking with more knowledge on this matter than any other Member of the House, was so convinced of the necessity of these measures, that, rising above Party considerations, he frankly supported Her Majesty's Ministers. If the welfare of Ireland had been preferred to Party interests many years ago, I do not think we should have been discussing these measures now. I say that these measures have been rendered necessary by misrule in the past; but now that England admits that, and is only anxious to do what is best for Ireland, it is childish to let resentment for the past make us blind to the necessities of the present. To my mind, the very fact that the Government cannot produce the information which they possess, points to a state of things in Ireland that would make it very unwise to withdraw these laws. They were not imposed by any one Act. They were introduced only as necessity arose. They are not—except the Westmeath Acts—

Lord Robert Montagu

operative, but permissive; they did not apply of themselves to any part of Ireland, but were only imposed on such districts as required them. And I think the fact that it has been found necessary to include under their action every part of Ireland, except, I believe, Tyrone County and parts of Fermanagh and County Down, show that they were not uncalled for. Both the present and the late Government of Ireland agree that they are necessary, and we know that they do not speak without having ascertained the opinion of the resident magistrates. No one attempts to deny that these laws have prevented a great deal of crime, and, as far as I know—and I have been watching the list pretty closely—not one single Petition has been presented against them. They are stringent; but with the Amendments which this Bill proposes, I do not think that they injure any peaceable subject of Her Majesty. An hon. Member complained last year that he had been prevented from carrying a revolver without a special licence—I think it was the hon. Member for Cavan. But I think that his complaint tells more for the Bill than against it. For why did he want to carry a revolver? Either as a weapon of attack or as a means of defence? If he wanted it for purposes of attack, that is a strong argument for this Bill; if he wanted it for self-defence, what does that reveal about the state of Ireland? It is not upon the farmer or the labourer that this Bill will press, so long as they are peaceably inclined, though it may inconvenience country gentlemen, who often want to carry arms from one county to another. The farmer rarely wants to carry wants beyond the limits of his own holding, and this, and more than this, he can do under the Bill before us. He has only to get a licence through a stipendiary magistrate, and unless there are good grounds for refusing him, no substantial farmer will have any difficulty. It is quite true that licences “have” been refused to small farmers, on this ground, that where they are known to possess arms, it very often happens that their houses are broken into and their arms carried off. If hon. Members will look into the Appendix of the Report of the Westmeath Committee, they will find whole strings of such robberies. So that it comes to this—that in the case of men who can-

not take care of their arms, it is evidently better both for them and for the community that they should give them up to the police than to nocturnal marauders. It may sound strange to English ears that a man is more likely to be attacked, if he is known to have arms; but we have ways of our own in Ireland, and that is one of them. There is no class of men to whom these laws are so necessary as to the farmers. I hope the House will bear with me if I give a brief illustration of this by a few facts which I may give on the authority of an Irish magistrate, though I can corroborate most of them myself. Shortly before the passing of the Westmeath Act, Ribbonism spread over a part of Meath which had until then been one of the quietest in Ireland. First, shots were fired at night, apparently without any particular object. Then, farmers received threatening letters, and were ordered to employ one man or discharge another under pain of assassination. I may remark that not one of these letters was sent to a landlord. The next phase was, that houses were fired into, and then a train was fired at, and a second-class carriage riddled with slugs. The farmers were in fear of their lives—they were the slaves of an invisible society, and might be forced to employ a man who was worse than useless, and whom they felt to be a spy upon all their actions. A reign of terror was established, and those who lived in thatched houses scarcely dared to sleep at night. But if the farmers were to be pitied, there were some who were still worse off at that time. There were many men in that neighbourhood, who either in very early youth or under compulsion, had taken the Ribbon oath. Many of these had for years led respectable lives, and some were in positions of considerable trust. But with this revival of Ribbonism they were plunged into a degrading servitude. Body and soul, they seemed in the power of a secret gang of murderers, who might command them to commit any crime under pain of being murdered if they refused. Nor was this a danger that threatened them alone, they knew too well that their wives and children might be the victims as well as themselves. All this misery was caused by four men. Everyone knew who they were; but not a man dared give evidence against them.

Lord Spencer, whose unfailing energy and industry deserve the warmest gratitude of Irishmen, knew almost every detail of their lives; but not a witness could be got to come forward openly. The leader of the four was arrested, and then occurred something sadly characteristic of Ireland. Two thoroughly respectable farmers were frightened into giving bail for this man. They said afterwards that they never thought their bail would be taken. While things were in this state, the Westmeath Act was introduced into this House. What followed? This Ribbon quartette did not await its passing. They vanished, and with them every sign of disturbance in that neighbourhood. Confidence has been restored since it has been seen that the law is stronger than the Ribbon Society, and there is now comfort and prosperity where all was terror and disturbance. I would ask the House on which side the coercion lay. Are people more free under the reign of terror or under the reign of law? And I would point out that the virtue of all laws of this sort lies rather in their duration than in their severity. The evil we have to contend against is one of long standing, and it cannot be cured in a moment. A contempt for law, which has been engendered by the vacillation of the past, will not be eradicated by vacillation now. The well-disposed in Ireland have been too often sacrificed in vain attempts at pleasing those who regard every concession as a sign of weakness. It was the alternation of foolish sentimentalism and spasmodic severity that was so fatal to the progress of Ireland in days gone by: that oft-repeated attempt at governing Ireland upon the "Irish ideas" of those whose one idea was to have no Government at all. There was no want of truer ideas in Ireland. Again and again, when England has looked round for the man to govern her greatest colonies or lead her proudest enterprizes, she has found him in an Irishman. But she did not then go to the class from which she drew her Irish ideas. And now, again, the gentlemen of Ireland have offered their advice, they have warned the Government that the time has not come when these laws can be removed, and I think the House should not lightly reject their counsel. I most earnestly hope that the day is not far distant when these restrictions may be withdrawn, but

every rash attempt to anticipate it only puts it further off. It is for this reason that I have spoken—for this reason alone that I shall support the Bill.

Mr. OWEN LEWIS said, he opposed the measure on behalf and in the name of the people of Ireland, in the name of the fundamental principles of the British Constitution, and in the name of our common humanity. That Constitution, as wisely carried out in England and Scotland secured the happiness and contentment of the people, and there was no more ardent admirer of it than he was; but, unfortunately, in Ireland they knew very little of what constitutional government was. All the Irish people knew of the Constitution was, that it was continually being suspended by whatever Ministry was in office. If they wished to make Ireland as contented as England and Scotland, she must be governed in the same way. The whole history of Ireland was one scene of coercion, which had always produced sedition, and then sedition was laid hold of as an excuse why coercion laws should be continued. To make Irishmen contented they must treat them wisely, and, above all things, justly. Were Irishmen so treated they would become at once contented, happy, and loyal. These coercion laws were not only harsh and unjust, but they were unnecessary and uncalled-for. They were not asked for by the working men, the shopkeepers, or the professional men, but only by one class, and that class was the Irish gentry. It was a class, however, which did not represent either the feelings or the sympathies of the Irish people, and certainly did not possess their confidence. In days when their power was untrammelled, they treated the people as serfs and helots; and in later times they had been opponents of every concession, and of every attempt to restore to the people the national rights of which they had been deprived. In 1829 the gentry opposed the emancipation of three-fourths of their fellow-countrymen. In 1867 they opposed religious equality; in 1871 they opposed a moderate system of tenant-right; in 1872 they opposed both the passing of the Ballot, and the passing of the Juries Bill which provided that no man, however humble, should be punished until a jury had been impartially selected. In 1873 they opposed religious education

in Ireland, although they had supported it in England; and in 1874 they opposed the extension of municipal privileges and the borough franchise in Ireland, while now in 1875 they sought, he was sorry to say, the re-enactment of these laws. The Bill was unjust and uncalled for, and before they passed such laws, they should consider the feelings of the people upon whom they would impose restriction. They had been told that no oppression would be suffered under it, because the officials would see that everything would be done justly; and though no one could doubt the humanity of the Lord Lieutenant and the Chief Secretary, yet they ought not to be asked to pass this exceptional law, a law which Englishmen and Scotchmen would rebel against if proposed for their countries—they would not entrust their liberties and freedom to men because of their humanity. Personal liberty and freedom ought to be enjoyed in Ireland, as in other parts of the Queen's dominions, as a matter of right and of course, and it was too sacred a thing to place at the disposal of any set of men, however careful and conscientious they might be. The law was unnecessary in Ireland. The condition of that country did not justify its being passed. He ventured to say that at the present moment Ireland was more peaceful than she had been for many years before, and that there was there perfect security for life or property. In fact, contrasting the feeling and bearing of the two peoples, the English and the Irish, there was more necessity for laws of the kind in England than there was for them in Ireland. To show that oppression might occur under those Acts, he would refer to the case of Patrick Casey, that had been brought under the notice of the House by the senior Member for the city of Limerick (Mr. Butt), in which the only son and support of an aged father was suddenly seized and incarcerated for two and a-half years, without trial and without being allowed to be visited by his family. In fact, he could see no difference between the law, as applied to Ireland, and those laws which existed in France in the last century under the old *regime*, and which had led to the dethronement and downfall of the Bourbon dynasty. In France a man could be arrested at the will of the monarch, and he could be incarcerated for any length

of time without being brought to trial—kept in gaol without knowing the name of his accuser. The same thing could occur in Ireland, the only difference being that the prison in France was called the Bastille, and in Ireland Kilmainham; that the system in France was called *lettres de cachet*, and in Ireland the warrant of the Lord Lieutenant. If they wished to see the people respect the laws, they should take care that the laws were of such a character that they deserved to be respected. He protested, in conclusion, against those Coercion Acts in the name of the Constitution, because their continuance would tend to weaken the hands of those who wished to teach the people to seek the redress of their grievances by constitutional means; and he protested, in the name of his country, and of their common humanity, against exceptional laws being passed for Ireland.

MR. CONOLLY said, he regarded the speech of the hon. Gentleman who had just sat down as more suitable for a debating society than for a practical Assembly like that House. The fact was they had just heard a speech which was very forcible in reference to the value of the British Constitution, but had nothing specially to do with the matter then before them. One and all of the hon. Gentlemen upon the benches on the other side seemed to be purblind, for they consented with marvellous agreement, to ignore that which alone could justify exceptional legislation, and that was the existence in Ireland of a most brutal conspiracy, which was called the Ribbon Society. The hon. Member who had just spoken had extolled the British Constitution; but had kept studiously in the dark that deep stigma upon Ireland of which he ought to be more ashamed than he was of his advocacy of a time-serving popularity. If the hon. Gentleman wished by supporting a policy that would set gangs of murderers and evil-disposed persons free, to the injury of commerce, the encouragement of social terrorism, and the destruction of the liberty of the lower orders in Ireland, to build up his popularity thereby, he (Mr. Conolly) could only say he did not envy him in it. He was proud to belong to the order of Irish Gentlemen, and it was a defamation to state that they opposed Catholic emancipation, or that they opposed tenant-right, or that they had not

represented the people of Ireland honourably, uprightly, and conscientiously. He confessed that these discussions caused personal pain to him, because it was disagreeable to acknowledge that so long as this plague-spot remained in Ireland, measures must be adopted to ensure the government of Ireland. Every one who was acquainted with the ramifications of that dark and black conspiracy knew that it was their duty to ask for exceptional measures. It was impossible there could be a parity of laws and an exercise of the Constitution in the two countries so long as Ireland remained what she was. Therefore it was that those who were acquainted with Ireland and the Ribbon conspiracy which existed there came forward and asked that these exceptional powers should be granted. He would be delighted and hail the day as one of the happiest he ever saw if equal laws could be applied to the two countries, but in the name of all that was right and truthful let them not tell the House and the country that Ireland had any right to equal laws until she had removed from her soil that odious and black spot—the Ribbon conspiracy, and when that had been done then they could come and ask for equal laws for their country.

MR. WHALLEY said, he would ask why the Government did not come to the help of English Members, and tell them what was the real cause of this measure. By not doing so they incurred great blame. The hon. Member who spoke last (Mr. Conolly) spoke of the Ribbon conspiracy, but they all knew, as it was known all over the world, that it was the priests' conspiracy which the Ireland had to fear. There was, in fact, a double government in Ireland. Could any one name an instance of any country in the world where such an organization as that of the Romish priesthood was permitted to array themselves against the Government of the country? The Romish priesthood were an organized Government—a rival Government to the Sovereign, and to the laws of the country. He blamed the Government for not doing justice to the country by firmly grappling with that evil. He complained of the late and the present Governments that they did not in justice to the country, the Constitution, and to themselves, and in mercy to hon. Members, give some reasonable excuse for this

Mr. Conolly

exceptional measure. He had sought by means of simple statements of facts to make the real nature of this conspiracy known throughout the country. For that purpose, he sent forth the unhappy man Murphy, who created so great a consternation among those who sided with the priesthood, that he was kicked to death in the town of Whitehaven. The murderers of Murphy were sentenced to six months' imprisonment; but that period was reduced to three months' and they then returned in triumph to their fellow townsmen. That was all the work of the Roman Catholic priests. He (Mr. Whalley) might be asked, where was the remedy for this? If his advice were asked, he would say that men ought to go forth and proclaim on the platform the errors of the Roman Catholic religion, and he would appeal to the right hon. Gentleman opposite to listen to him. Let him give him (Mr. Whalley) the power; let him go into Ireland armed only with the sling and stone of free discussion, and accompanied by a few men like the unfortunate Murphy, and he believed that he could do more than Prince Bismarck did in Prussia. That was all that was needed to justify this House before the country and the world in retaining these measures of coercion. He had not less sympathy for Ireland and her honest peasantry than those hon. Members who were sent over specially to represent her, and he would ask them whether they really believed that any English Member wished to renew these Acts for the purpose of oppressing the people of Ireland? Did they not believe that that House had made many sacrifices to remove practical grievances? Was not that really felt by the Irish Members? He was anxious to express the pain he felt at the continual renewal of these Coercion Acts, and to make an appeal to the right hon. Gentleman to let the country and the world at large know that what the Government had to contend against in Ireland was the same power with which the German Government were now struggling—namely, the Roman priesthood. Whether that power was manifested under the form of Ribbonism, or Fenianism, or any other "ism," let them call it what they might, that was the one sole cause of all these troubles, of Irish discontent and disturbances. Again, he asked them to give him (Mr. Whalley) the power to

repress those disturbances. It was found necessary in the time of Queen Elizabeth to send forth faithful, honest, and true missionaries, and to bring before the people the sort of discipline doctrine, customs, laws, and usages by which they were governed, in order to show them what passed. In support of his appeal, he might state that the man to whom he had before referred, Murphy, preached in the neighbourhood of Birmingham, and that he (Mr. Whalley) was with him on more than one occasion. He asked the House to mark this—that although a chair was always placed on the platform for a Roman Catholic priest, there was no other answer to what was said but riot, and sometimes murder and assault, in every direction. The result was—and he quoted from the leading organ of the Roman Catholic party in this country—that not a single Roman Catholic priest could be seen in the streets of the towns where Murphy preached.

An hon. MEMBER rose to Order. The remarks of the hon. Member for Peterborough were irrelevant to the question before the House.

MR. SPEAKER said, the hon. Member for Peterborough was in Order.

MR. WHALLEY: He did not very distinctly catch the observations of the hon. Member opposite, nor did he understand the nature of the intimation which the Speaker had been pleased to give him. However, he would now conclude his observations. He wished to express to hon. Gentlemen below the Gangway his very sincere regret that he placed such confidence in Her Majesty's Government that he must support them in this matter. Upon the other hand, he most earnestly appealed to right hon. Gentlemen opposite, for their own credit's sake and for the sake of the credit of the country, to give to that House and to the world at large, some better excuse for this Coercion Bill than had been suggested by the hon. Member who had spoken about Ribbon societies. They would have to recognize some day—and the sooner the better—that they had to contend in Ireland and increasingly in this country with a foreign Power which knew nothing of our Constitution, except as far as it could make use of it to carry out its own ends, which were antagonistic to our laws, our institutions, our national character, and to the honour

and the social interests of this country, besides being repugnant to the conscience of every man who called himself an Englishman.

MR. KAVANAGH said, that he should not have trespassed on the time of the House, but for some remarks of the noble Lord the Member for Westmeath (Lord Robert Montagu), who had said in no measured terms, that the conduct of this country towards Ireland was grossly tyrannical and coercive. That strain was taken up by hon. Members opposite, and echoed and re-echoed, until at last an hon. Member found in the Irish famine the curse of British rule. The hon. Member went further than that, and said the result of English policy had been to turn the population of Ireland into rebels. He (Mr. Kavanagh) thought the hon. Member must have been carried away by his feelings, for he could hardly have remembered what the state of affairs was at that time; he could hardly have remembered that if it had not been for the charity and generosity with which England went to the aid of Ireland in that hour of need people would not have lived to be rebels, but would have perished of want. He had never yet heard it said that, with all their faults, the Irish people were wanting in gratitude, and the hon. Member for Meath must have forgotten himself in making such a remark. He (Mr. Kavanagh) endorsed the old saying that "Speech is silver, and silence is gold;" but they might be too silent, and he felt bound, on behalf of his constituents, to come forward now, and not allow the imputation to be cast upon them that they were either participators in, or sympathizers with, the crimes against which these Acts were framed. His constituents regretted with him, sincerely and earnestly, the necessity which first caused the adoption of them, and which he now regretted to believe rendered their continuance necessary. Against what was the law relating to murder framed? Was it not against the crime of murder? Who felt it as a restraint or coercion? Was it not those who committed murder? Who felt the law against the administration of unlawful oaths to be coercive? Was it not the conspirator? Who felt the law enacted against the writing of threatening letters as coercive? Was it not the dastardly coward—and crime made

dastardly cowards of all her votaries? Those laws were not felt as coercive or as restraints save by those who wanted to break them, and he believed that they could have no stronger proof of the necessity for their continuance than the fact that they were felt as a restraint. Those laws to the well-disposed and peaceable inhabitants were a protection, not a restraint; and he thought that hon. Members opposite paid their constituents a very sorry compliment by representing them as groaning under the oppression of laws that were directed against such crimes. On behalf of his constituents he repudiated any such idea. His constituents felt with him sorrow and regret that Her Majesty's Government, who were responsible for the peace of the country, should feel obliged to come to that House to ask for such power; but he emphatically denied that his constituents felt those laws either as a restraint or a coercion. He confidently asserted that, for the last four years, since the mad dream of Fenianism had vanished, no case either of arrest or prosecution had taken place in the county of Carlow. As far as that county was concerned, therefore, these Acts were a dead-letter, and he might say, on his conscience, that they might be repealed without the slightest risk or danger, so far as regarded the county of Carlow, if the Government chose to show that mark of favour to a well-disposed and peaceable part of the country. He was not, however, there that night to ask for this favour; he was there only to defend the character of his constituents, not to seek for them licence to commit crime. He wished from his heart that the same could be said for the other parts of Ireland. He wished from his heart that hon. Members opposite, instead of exciting the passions of the people by describing to them the Peace Preservation Act as one of tyranny, would show them how, if they ceased to desire to commit crime, the law would cease to oppress, and the so-called yoke to gall. With reference to the Motion of the noble Lord, which was now before the House, he heartily agreed with the first part of it—

"That this House disapproves of the imposition or maintenance of exceptional legislation, except in those cases where urgent grounds, proving the necessity of it, have been clearly shown;"

Mr. Kavanagh

but he entirely dissented from the concluding sentence—

"and that sufficient grounds for the maintenance of any exceptional legislation have not been proved to exist at present in Ireland;"

and therefore he should give to Her Majesty's Government his support for the second reading of the Bill.

MR. O'SHAUGHNESSY said, he had attended carefully to the arguments which had been urged in support of the Bill, and he was bound to say he found little in them beyond what been adduced on former occasions and for the same purpose. There was, however, one feature in some of them against which he felt it his duty to protest. The hon. Member for Donegal (Mr. Conolly) had asked an hon. Member at this side of the House how he dared to make the statements he did as to his county; and his example was followed by the hon. Member for Peterborough (Mr. Whalley), who asserted that the opponents of the Bill were advancing arguments which they did not in their conscience believe. He (Mr. O'Shaughnessy) would only say that if such expressions might be used in that House, the sooner the debate ended the better. The hon. Member for Carlow had spoken of the freedom of his county from the kinds of crime that had led to the passing of these Acts. What the hon. Member had said was well-founded, and had a very important bearing on the nature and necessity of these laws; for it was well known in Ireland that Carlow had been singularly fortunate in that respect, beyond all other counties in the South of Ireland; and also that the cause of that immunity was the fact that in Carlow the people had a race of kind and beneficent landlords, who allowed their tenants and others around them to live and prosper. That was the reason why Carlow thus stood out among Irish counties, and why Coercion Acts were unnecessary for it. Now, two courses were open to an hon. Member who stood up to oppose Coercion Laws. He might say there was nothing either in the quantity or in the nature of Irish crime that required anything, in the way of repression, more than the fair and impartial administration of the ordinary law. He believed that that argument commended itself to many Members who knew Ireland and the Irish people well, and had as great an interest in the welfare and con-

tentment of the country as Her Majesty's Government could have ; but he must, at the same time, state that he did not believe it would be possible to induce a majority of the House to coincide in that view. The second course was this. An opponent of the Bill might say, that he saw it was useless to argue the question upon the nature and quantity of Irish crime, or upon the other grounds on which it was sought to justify coercion ; but admitting that crime did exist in Ireland to an extent to call for powerful means of repression, he might contend that coercion was not the proper course, because, according to all past experience, it tended not to eradicate, but to perpetuate, the evils against which it was directed. The Government admitted, by the restrictive measures they had eliminated, and those they proposed to mitigate, that the disorders of which they complained were disappearing ; and what, then, was the nature of the evils against which their Bill was directed ? To answer that question correctly, it was necessary for them to inquire into the origin of those evils ; for until that was clearly ascertained, and knew what they were dealing with, it was impossible for them to tell whether the remedy of coercion or some other was the proper one. They must also consider what had been the effect of coercion in past years, and what would be its probable effect in the future. The evils that were said to justify coercion were of two very distinct kinds. The Government declared that life and property were endangered in Ireland by combinations of class against class and of interest against interest. They declared that it was the circumstance of agrarian crime that required a special remedy — that while English crime was isolated and proceeded from the passions of individuals, agrarian crime seized on a large body of Irishmen as by a common impulse in their efforts to assert real or imaginary rights. Another ground was that of disaffection to English rule. He could not deny that there existed in Ireland, on the part of a large number of the people, a desire of separation from England, as distinguished from a desire to have the management of their own affairs ; but no one pretended to think or to hope that that disaffection would develop into rebellion within any proximate

time. Taken at its highest and its worst, Irish disaffection was likely to be, in theory, no doubt, enthusiastically embraced by a certain number of persons, but it was quite incapable of being brought into action. That being so, there was no immediate danger to this country, and, so far, no occasion for restrictive measures ; and it was therefore at least possible to suspend them in order that the Government might try in the interval the effect of a constitutional treatment of the country. That method, however, could only be tried at intervals of freedom from attack, such as the present. Those were the two great crimes alleged against Ireland, but it was said that there was another phase of Irish life, not partaking of the nature of crime, but having a certain relation to it. The bulk of the people had no actual participation in crime, but it was said that they stood aloof from its detection and punishment, giving no assistance in the jury-box for its repression. It was then said that in such circumstances crime could not be repressed without the intervention of the special laws, and that the Irish people had themselves made the necessity for the introduction of coercion, a principle confessedly alien to the normal condition of a free State. Now, let them assume that all that was true, and ask themselves what was the origin of these laws. He did not think that Irishmen were more free from faults than other men ; but the wisest statesmen had admitted that, to a large extent, agrarian disturbances in Ireland, the disorganization of society, the disaffection of the lower class, and the apathy of the middle class, were the natural result of the laws enacted for Ireland by successive Governments. From the year 1800 every Government had persisted in postponing measures of redress and reform, no matter how much needed, until all hope of obtaining them had been quenched in the hearts of the people. Promises remained unfulfilled, and wrongs remained without redress long after their existence was admitted. If they had carried out the stipulations made at the time of the Union, they would possibly never have heard of the agitation for Repeal which O'Connell organized. For that they had Mr. O'Connell's own word. He constantly said that his motive for organizing the Repeal agitation, was the im-

possibility of obtaining just and necessary reforms in that House. A famine, and the desperation which famine brought, came in 1847. All the materials for a conflagration were present, and they burst into an insurrection in 1848. That insurrection was abortive and immediately put down; but the result of half-a-century of their policy was to leave Ireland completely disorganized and disaffected. Then came a demand for tenant-right and religious equality. They were urged under constitutional forms until all hope of success seemed at an end. The upper classes in general were ostracized from political life by their want of sympathy with the people, and every General Election left them less numerous in that House. The middle class had become apathetic on political subjects, and political power was passing more and more every day into the hands of the Irish democracy. Then came Fenianism, and they left Fenianism and the British Government to settle accounts between them. Fenianism being put down, the English Government made certain concessions which were as just and necessary 20 years before as when they were introduced. Was it wise, however, that the idea should be lodged in the minds of the people that abortive insurrection was the only way of obtaining measures of justice? There was another thing which had a very strong bearing on this subject of coercion—namely, the wide line which separated the gentry, and particularly the Protestant gentry, from the great mass of the people in Ireland, with the exception, he was happy to say, of a few places like Carlow. That separation arose from differences of race and creed, and an undue maintenance of privileges and territorial rights. A great portion of the coercion laws were passed for the maintenance of those privileges, but more generally for the maintenance of those territorial rights; and that fact alone was quite enough to maintain and enlarge the breach that existed between the gentry and the people. A still worse fact was, that those laws were administered by a magistracy belonging to the very class in whose interest they had been passed, and the consequence was, the utter alienation of the upper Protestant class from the people. The same causes, if they were still suffered to exist, must

of necessity prevent Irishmen from fusing into a united nation, and entering into the practice and the spirit of the Constitution. Again, up to a comparatively recent time, the Bench was filled by men taken exclusively from one race, who had spent the best part of their lives in combating, within that House and out of it, every measure of relief demanded by the other. He did not mean to say anything against the ability or the honesty of the Judges. It was enough to say they were the partizans of one section, and that no confidence was felt in their administration of the law in any case involving class interests. A very strong feeling had now arisen in Ireland that many important constituencies had ceased to return Representatives in the proper sense of the word, and had become mere gifts at the disposal of the Liberal Minister or his Irish friends. Again, until the other day, juries were substantially selected from one class and from one creed. Lord O'Hagan's Act had altered that, and if complaint was now made of the acquittal of prisoners by Irish juries, it would be easy to find their counterpart and cause in the hasty convictions of juries chosen from the ascendancy under the old system. During the last 75 years they had had coercion laws in Ireland of varying degrees of stringency, and what had been their effect? They were utterly powerless as preventive measures. They had not prevented the outbreak of two rebellions, or the existence of a spirit of disaffection so dangerous, that in the opinion of right hon. Gentlemen on both sides of the House it would break out again into rebellion on the first favourable opportunity. Nor had they eradicated the crimes which they called agrarian. They felt it impossible to maintain the code in its rigour on the face of their admitted diminution; but it was the Land Act that, by the partial redress it had given, and the nascent spirit of confidence in the law which it had generated, had diminished those crimes. Ministers know well that it was only after that tardy concession to justice was felt that the diminution began. It was surely not unreasonable to say that a system that had thus failed for 75 years, and in a country the freest in Europe from general crime, ought to be abandoned. If the alleged evils of Irish society were not within the reach of the

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Common Law, they were too deep-seated to be repressed by a measure which had so long been tried in vain. To get rid of them, the House must place Ireland under the Common Law, and must bring to its administration, instead of political Judges and officials, the gentry, the middle classes, and the body of the people of Ireland. They must confine to the Judges those judicial functions which were proper to their office, for thus alone would they re-establish the prestige of the Bench in Ireland, and the confidence of the people in its justice. The Irish aristocracy must cast aside the remnants of the spirit of ascendancy of a class apart from the people, and must show their willingness to enter into cordial relations with the people, and then the greatest obstacle to the pacification of Ireland would be removed. But that obstacle could not be removed whilst these coercion laws existed on the Statute Book. The middle classes must be roused from the apathy into which a long course of mis-government had plunged them.

Notice taken that 40 Members were not present; House counted, and 40 Members being found present.

MR. O'SHAUGHNESSY resuming, said, that that interruption, he believed, was due to the suggestion of a Member of his own party, whom he begged to thank for it. He would say in conclusion that if they wished to pacify the Irish people and introduce into that country a healthy public and political spirit, they must not rely on a policy which had led to an unbroken series of failures. Before the late Liberal Government went out of office, the Irish Government had been carried on by means of patronage, which, in fact, vitiated the whole of the public service and created general dissatisfaction and discontent. That must be remedied. He scarcely expected that a majority of English Members would vote for the Resolution of the noble Lord; but he did hope that every Irish Member and every Member on both sides of the House, who desired the ultimate reconciliation of Ireland, would vote against a continuance of this coercive and exceptional legislation.

MR. J. P. CORRY said, that as an Irish Member, representing one of the most populous and certainly not the least prosperous constituency in Ireland,

he wished briefly to state the reasons why he could not support the Motion of the noble Lord, and would give his vote for the second reading of the Bill. English and Scotch Members might be misled by the assumption of some hon. Members opposite, who claimed to speak in the name of the whole of the Irish people. He denied that they did so, or that they in any way represented the general feeling of the people of Ireland. There was a very large and influential section of the Irish people who did not sympathize with the noble Lord and his Friends in their views, and who took exception to such an airing of what were called Irish grievances.

Notice taken that 40 Members were not present: House counted, and 40 Members being found present,

MR. J. P. CORRY, resuming, said that, considering the inflammable materials existing in parts of Ireland and the attempts to cause excitement there, it would not be wise to repeal the Coercion Acts altogether. Indeed, from his knowledge of Ireland he considered that the Government had in the Bill gone as far in the way of a relaxation of the existing coercive legislation as they could at present safely go, and he hoped that before the time fixed in those Bills had passed, a better state of feeling would exist.

MR. O'REILLY rose to Order. He wished to know if the hon. Member was in Order in reading his speech.

MR. SPEAKER ruled that the hon. Member would not be in Order in reading his speech.

MR. J. P. CORRY proceeded to say that in Belfast there had been some disgraceful riots, which he (Mr. Corry) took an active part in suppressing; but no respectable man took part in these proceedings, and when the magistrates asked the Lord Lieutenant to issue a special proclamation, which he was entitled to do under the Coercion Acts, they were seconded by no class more strenuously than by the working class. Peace was thus restored, and during the two years throughout which that proclamation was in force, he never heard that any person was aggrieved by it, the people being quite as free as if they were living in London. He confessed that he felt some anxiety, when the right hon. Gentleman the Chief Sec-

retary for Ireland proposed this, as to the extent to which he was going to give up the safeguards which had made life and property more secure in Ireland; but he had no doubt the Executive Government would use the power which would be given them under the Bill in the mildest way, and he trusted that in a short time the whole of Ireland would be relieved from its operation. Complaints had been made by hon. Members opposite as to the sources from whence the Government received the information on which the continuance of preventive measures were based. That information was from the magistrates and those who were responsible for the security of life and property in Ireland. He regretted that the Government had been compelled to bring in such a Bill, but, under all the circumstances, he could not do otherwise than support them.

SIR PATRICK O'BRIEN said, the circumstance of his having long had the honour of a seat in that House, while it afforded him on many previous occasions an opportunity of speaking on questions of a similar character to that then under any consideration, prevented his offering new remarks to the House, and he should have refrained from addressing it were it not that his county was specially made to suffer by the provisions of the Protection of Life and Property Acts. The history of Ireland was, unfortunately, in a great degree a recital of coercive measures. The existence of crime, though created in a great degree by unjust legislation, and often still more unjust administration in former times, seemed in some degree to warrant the introduction of stringent, if not oppressive, legislation. But of late years he was happy to find a change of opinion on all sides of the House in reference to Irish matters, and while opposed to the measure under consideration, he was fully prepared to admit that the feelings of English Members on the Government side of the House, as well as those upon the Opposition Benches, were not unkindly disposed towards Ireland, and that in the support which they were giving to a measure of restriction of the Constitution in that country, they were influenced by a desire to repress crime there rather than to deprive the Irish people of the benefit of constitutional laws. Neither had he any doubt that

the right hon. Gentleman the Chief Secretary for Ireland had every desire to do justice to that country, and he regretted that the Government had not been able to carry out their intentions. In former years when measures of coercion were introduced for Ireland, the very existence of a nomenclature referring to illegal organizations afforded some slight *prima facie* case for their introduction. The names Whiteboy, Terry Alt, Molly Maguire, and others, were not then unfamiliar, and imported the existence of illegal and dangerous confederacies. There were no such designations now existing. It would not be pretended that this Act was a remedy against Fenianism. He (Sir Patrick O'Brien) on a late occasion had given the reasons for his belief that that confederacy was now powerless in Ireland, and he would not weary the House by repeating the reasons for forming that opinion. The question, then, for their consideration was, on what grounds the Government sought for a renewal of these Acts, and that led him to regard the state of society existing when similar legislation had been proposed for their consideration. When Earl Grey was Premier and asked Parliament to pass a Coercion Act for Ireland, he stated that in one province, in one year, as many as 173 murders had been committed. In a subsequent year Sir Robert Peel, in justifying a similar measure, used the remarkable words that in that year more blood had been shed in Ireland than had sufficed to roll back the fiery torrent of French valour at Busaco; and when Sir George Grey subsequently proposed measures for a like purpose, he also stated that there had been in the previous year 96 homicides and over 200 attempts at robberies of fire-arms. He might fairly ask the Government to contrast the existing state of affairs in Ireland with what it was in those days. The hon. Member for Donegal (Mr. Conolly) had stated a short time ago that hon. Gentlemen who opposed the Bill would let loose the marauders now in prison. But where were the marauders? Why, with all the power they possessed for their capture, the Government had not a single man in gaol under the Act of July, 1871. During the interval between the introduction of Sir Robert Peel's measures and those of Sir George Grey evictions in Tipperary were almost unlimited.

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One gentleman was so often shot at as to acquire the name of the "woodcock," but he had lived down all the ill-feeling against him, and became one of the most popular landlords in that county. He had seen by the public prints that a shocking murder had recently occurred at Ferbane. But that was an isolated case, and he gathered from the public prints that it had been caused by family differences. He, in common with his friends who sat around him, was there to assert that murder admitted of no palliation, and he would resign his seat in that House, much as he valued it, before he would desist from proclaiming that sentiment in every society. Now, as regarded the clauses referring to the possession of arms, it was a cruel hardship that a respectable farmer was obliged to obtain the licence of a resident magistrate in order to enable him to obtain a gun to destroy vermin on his farm or to protect his property. The mode of granting these licences was most objectionable. Without mentioning names, he would assert that in granting those licences there was no uniformity of action. One resident magistrate would grant a gun to a respectable man, holding some 30 or 40 acres of land, and across a narrow brook another resident magistrate would refuse a man in precisely the same circumstances a similar privilege. It was idle to say that this poor man had his remedy in an appeal to the Lord Lieutenant. He would not be listened to in opposition to the resident magistrate, when, as was often the case, he was backed up by the local magistrate of the district; and talking of magistrates brought him to the consideration of the probable administration of this law. Under the amended Act the magistrates had more power than under the old Acts, for they possessed the summary jurisdiction which had been alluded to. He was not there to speak with disrespect of the Irish magistracy, or of any other class of his fellow-countrymen. But he would say, that his firm belief was, that for years past the majority of gentlemen included in Her Majesty's commission did not possess the entire confidence of the mass of the people. Again, no doubt, it might be said that the distinguished nobleman who at present presided over the Irish Government and the right hon. Baronet would see to the proper administration

of this law. But he believed this would not be found in practice to be the case. The noble Duke was justly respected in Ireland, and was a fair and impartial governor; but, then, he was a layman, and must rely upon others learned in the law. The distinguished Gentleman who was now Lord Chancellor of Ireland, who was an honour to the University he represented, and whose fame was appreciated in that House, had no charge of these matters. They rested in the charge of the right hon. Gentleman the Attorney General for Ireland. Of that Gentleman's character and honour he would speak with all respect; but he would not be doing his duty to his constituency if he did not say that he believed that he had no practice in the criminal law, and was therefore not qualified to carry out the provisions of this stringent Act. He believed that he had made out a case against the Bill. There was no fear of Fenianism, and there was at present scarcely any agrarian crime in Ireland. Should the occasion arise, and that it was shown Government could not be carried on without resource to coercive measures, that House he knew would willingly recognize the necessity, and he, for one, in such an event, would not oppose the measure; but, as he said before, no case of necessity had not been shown, therefore he should vote against the second reading.

THE O'CONOR DON said, he agreed with the noble Lord the Member for Westmeath (Lord Robert Montagu), who introduced the Amendment, in his general objections to measures of a coercive character; but he could not conceal from himself, and it would be uncandid to conceal from the House, that the Bill now before them was in a very different form from that in which it had been presented to them in 1873. The Government, in asking for these extraordinary powers, had made great and important concessions, and many of the restrictions that formed provisions of previous Bills did not appear in this one. For instance, the Bill of 1873 contained clauses restricting the liberty of the Press, which had disappeared from this Bill. It contained provisions for the arbitrary arrest of strangers—clauses rendering persons going out at night liable to arrest. It contained several other provisions of a most strin-

gent and coercive character, which had not been heard of up till 1870, but were then introduced in consequence, it was said, of the very disturbed condition of the country. All these provisions had disappeared, and it would be a great mistake not to admit, to the fullest extent, the concessions which had been made by the Government. When the Bill of 1873 was before the House, he moved an Amendment which was tantamount to its rejection on the second reading, and he then stated that these Coercion Acts could only be got rid of by degrees. It was impossible for any Government to sweep them away all at once. He blamed the Government of that day for having re-introduced the Acts without the slightest relaxation, and without any intimation of the ultimate abandonment of these measures. Holding that opinion, then, and being of the same opinion still, it would be uncandid if he did not give the Government every credit for what they had done. In the principle they had adopted he entirely concurred. Nothing could be more unfair or contrary to the fact than the statements that Bills of this description had their origin in English feeling. He did not believe there was any feeling in this country which would force on the Government measures of this kind with regard to Ireland. They had their origin in Ireland; and they had been renewed from time to time in obedience to demands which came from Ireland. ["No, no!"] It was most unjust to represent those measures as emanations of English hostility to Ireland; they had arisen from demands from Ireland which, to a certain extent, compelled the Government to yield to them. He could understand that the right hon. Baronet who so ably filled his position of Chief Secretary to the Lord Lieutenant went to Ireland actuated by the very best intentions, imbued with great admiration for the British Constitution, an ardent lover of freedom, and anxious that the Irish people should enjoy all the liberties of Englishmen. That right hon. Gentleman, on arriving at Dublin Castle from England, heard on every side that exceptional laws of this description were necessary, and the demand for coercion came chiefly from those who were entrusted with the responsibility of carrying out the ordinary law—namely, from the magistracy and the

gentry. The truth was, they—the magistracy—had been so accustomed to carry on the government with the assistance of these extraordinary laws, that it had become almost a matter of second nature with them to fall back upon the Executive for assistance, and if these laws were swept away suddenly, those who were responsible for the government of the country would perhaps unconsciously fail in their duty, while those who were inclined to violence and outrage would take advantage of that state of things. The safest course was to relax these laws gradually, to accustom the magistracy to rely upon the ordinary law of the country, and not to seek for any extraneous assistance from the Government of Dublin Castle. If the Bill of the Government were confined to the re-enactment of the state of things which existed before 1870, even with the addition of what were known as the Westmeath clauses, he should feel that he could not conscientiously vote against the second reading, although, unless forced by absolute necessity, he should probably not give his vote in its favour, having such an inherent objection to laws of this description. But he was sorry to say that the Bill was not entirely confined to the state of things existing prior to 1870. The Bill seemed to him to be capable of being divided into two portions—those which related to what were called proclaimed districts and to the county of Westmeath and parts of the neighbouring counties, and those which extended to the whole of Ireland. All the enactments which came under the former head were clearly special in their character, and limited in their operation. It would be possible for the Executive, even if the Bill passed, so far as those clauses were concerned, gradually to withdraw the proclamations until the whole of Ireland would be as free as any part of England. And the same with regard to the portions which related to Westmeath, those rested with the Executive, and might have no practical operation whatever, and he believed that, at the present moment, there was not a single person confined in prison under those clauses. The hon. Member for Donegal (Mr. Conolly) had said that the Bill was justified on the ground of the existence of a Ribbon conspiracy, and that while that conspiracy existed, it was advocating a time-

serving popularity to oppose it. But were there not provisions in the Bill which referred to the whole of Ireland, and did they not all admit that the Ribbon conspiracy was not universal over the whole of that country? The man who held that Ireland was in the worst condition would admit that there were portions of the country which were as free from any unlawful conspiracy as any portion of England. And yet there were clauses in the Bill, over which the Lord Lieutenant of Ireland had no power, and which, whether he liked it or not, would be in force in the most peaceable districts in Ireland, and, amongst these provisions, he would notice the one by which the innocent inhabitants of a locality were mulcted with a tax and a fine, because it happened that an isolated crime of agrarianism had been committed amongst them. On what possible ground could that be justified? If the object were to compensate the individual who had suffered, why was the imposition confined to agrarian crime? If the object was to punish the offender, directly or indirectly, that object was defeated in nine cases out of ten. If the offender was an evicted tenant or a discharged labourer, he would not bear any portion of the penalty; and, indeed, if it fell in part on the successor of an evicted tenant, he would be gratified by that fact. If the object were to prevent local sympathy with the offender, or to lead to his detection, he would ask whether, since 1870, the imposition of the fine had produced evidence against a single offender, or any assistance in vindication of the law. The police tax was based on the same principle; but that was a special payment exacted from a locality, in consideration of extra police being sent to it, and there was some justification for it ensuing out of the fact that the inhabitants of the district received some protection through the presence of the police; and yet the evidence before the Westmeath Committee of 1871, went to show that that tax produced dissatisfaction, disloyalty, and discontent among the respectable portion of the community. It was declared by nearly every witness examined before the Westmeath Committee, that such an imposition had been attended by the most lamentable consequences, and that instead of adding to the peace and tran-

quillity of the country, it had a contrary effect. These clauses were included in the Bill, and seemed to him to be utterly monstrous in their character. They implied such impotence on the part of the Government, such a return to the ages of barbarism, that he should oppose as heartily as he possibly could any Bill in which such proposals were contained. There were also other proposals which extended to the whole of Ireland. There was one which empowered the police to arrest and bring up persons who were believed to be able to give evidence upon a charge for which no one was in custody, and who were unwilling to give evidence. What evidence could be got from an unwilling witness that would be of the slightest use upon a criminal trial? He thought the only effect of such a clause would be to cause irritation. Then, what could be more unconstitutional than the provisions relative to arms? If every one who had possession of arms were made to take out and pay for a licence, the Government would know by whom arms were kept; but the existing irritating provisions were of much more severity than in the Acts previous to 1870, and they were continued in the present measure. With regard to the character of the Bill also, he considered the form in which it was drawn to be very objectionable. A number of previous statutes were referred to, and it was impossible to understand the various provisions without consulting four or five Acts of Parliament. That complaint, he admitted, applied to many other Bills; but it would have been easy, in the present instance, to have the clauses of the old Acts, which were to be continued, introduced in the Bill, so as to make it complete in itself. Another objection was that Clause 3 embodied a number of provisions which should constitute five or six different clauses. For these reasons he was obliged to vote against the second reading. Irish Members, however, in their representations to their constituents, ought not to overlook the concessions which the Government had made. He appealed to some of his hon. Friends below the Opposition Gangway, who exercised great influence in Ireland, to place before their countrymen the bright as well as the dark side of the present Bill, and to remind Irishmen that it would depend upon

themselves, whether it would or would not be followed up in future years by further concessions. It would depend upon the course taken by the Irish people during the next succeeding years whether the Bill, when its term expired, would be allowed to die out. That would, no doubt, be the result, if peace, order, and tranquillity continued in Ireland, and nothing would be more deplorable than that outbreaks should arise. He trusted that his hon. Friends would impress upon their fellow countrymen the necessity of proving by their conduct that coercion laws were unnecessary; that the concessions of the Government would be received in a proper spirit; and that, in future, no pretence would exist for saying that exceptional legislation was necessary for Ireland.

MR. ROEBUCK said, he was anxious, for two reasons, to express his opinion in support of the Bill now before the House. First, he believed the Government had a very invidious duty thrown upon them in being obliged to bring the measure forward, and he considered they ought to be supported by all those persons in that House who really thought they were doing their duty; and, secondly, he was desirous that the Bill should not wholly be discussed by Irish Gentlemen, but that English Gentlemen should also express their opinion upon it; and being an English Member, and representing a large English constituency, he wished to say a few words on that coercive measure before the debate was concluded. His name had been mentioned already in the course of the debate, and he had been spoken of as generally one who was an enemy to Ireland. That assertion he denied. When he first entered that House he found Mr. O'Connell there defending what he called, and what he felt to be the interests of Ireland, and no man stood more faithfully and strenuously at his side than himself (Mr. Roebuck). Mr. O'Connell had to meet real grievances in Ireland. He complained of them, and compelled the English Government to reverse them, and while so doing Mr. O'Connell had his most strenuous support. But the history of Ireland had really to be taken into consideration when they were discussing the Bill before them. He acknowledged at once, as he had often done before, that the government of Ireland by England in former times was

about as bad a government as the world ever saw. The people were subject to every sort of oppression, their religion was oppressed, their consciences were coerced, and they were made, in fact, the slaves of the English people; and what was more curious than all was, that the colonies introduced by England into Ireland became, in the course of a generation or two, more Irish than the Irish themselves, and, in fact, portions of the most disaffected part of the Irish people. One of the most remarkable things in connection with the history of Ireland was the history of the county of Tipperary. Tipperary was very nearly depopulated by Oliver Cromwell, and his army supplied the place of the original inhabitants of that county. Cromwell's soldiers formed connections with the women of Tipperary, and ever since Tipperary had been one of the most turbulent counties in the whole of Ireland and the most opposed to England. For that, however, he did not blame the people of Tipperary, seeing that the people of that county, and Ireland generally was up to a certain period, as he had said, very ill-governed. But the government of Ireland changed when the people of England got a large share of the government of their own country—that was after the Reform Bill of Earl Grey. Since that time the English people and the English Government had striven to do justice to Ireland by removing the laws which coerced them, and for the most part they had succeeded. At that very moment—and he said it boldly—the people of Ireland were as well governed as were the people of England; and the curious thing was this—that while one could not rase out from a people the recollection of wrongs, which had been burnt into them by a long series of cruel and imperious acts, the only chance we had of turning and changing the popular mind of Ireland on the subject was rendered difficult by the extravagant language of hon. Gentlemen sent to that House by the Irish people. What he had to complain of was, that the wild conduct which those hon. Gentlemen had hitherto pursued in opposition to the Government of England had led the people of Ireland to believe that they were still subjected to the same harsh and horrible form of government under which they had previously groaned. This was the reason why these laws were

necessary, and he charged hon. Gentlemen from Ireland, the leaders of the Irish people, with being the cause of the Coercion Acts under which their countrymen were now suffering. But he must say that during the present debate, he had remarked a very decided change in the language usually held, and he felt that if that language had always been held, these Coercion Acts would not have been necessary. [*Laughter*]. Hon. Gentlemen might laugh, but he said that they were here before the English people as before a jury, and they must abide by their acts and their language; though, he said, that by that language which they were now employing, they would conciliate the people of England. But there were effects upon the people that had been working for centuries, and considering the way in which the people of Ireland had been treated, they could not expect to make a change in an instant. He had seen for some generations past—for he was now, unfortunately, an old man—he had seen, through them all, the Governments of England endeavouring, with the best of their ability, to govern the people of that kingdom. But he was told that they had now brought about a state of peace in Ireland, that showed the utter uselessness, and that it was wholly unnecessary, to have these laws now in existence. Of this, however, they were aware that before these laws were passed, there were in Ireland great disorders, and the moment these laws were passed, they vanished—they went off to America. Repeal these Acts and they would all come back; and they would have again exactly that state of things that these very laws were brought in to obviate. What he wished to say was, that he quite coincided with the language used by the speaker who immediately preceded him, the hon. Member for Roscommon, (the O'Connor Don), that these Acts should die out peacefully, and if, as he said, the people of Ireland should show by their quiet conduct and their obedience to the law that they did not need these coercive measures, he (Mr. Roebuck) was of his opinion, that no Government of England would dare to re-enact these laws. But that must be done by experience; it could not be effected by at once sweeping away these Acts of Parliament from the Statute Book. Let them remain there as a dead letter.

Let the people of Ireland show that they were obedient to the law; let the people of Ireland show the people of England that they did not desire to be separated from England; and when they showed them that these laws were unnecessary, let them be abrogated. But so long as the leading Gentlemen of Ireland distinctly advanced their opinions, that Ireland must be separated from England, or be ruled by a Government wholly separated from that of England, he told them that it was necessary that these coercive laws should be retained. Let them show that they had lost and given up that wild opinion of separation and Home Rule, and he told them what he believed to be the exact truth—let them show that they were really one with them in England, a united people, living under one law and under one Legislature, under one Sovereign; let them show that they were really one with them, acting lawfully and obediently to the laws, and then they would find that no further Coercion Bills for Ireland would have to be passed in the Imperial Parliament.

Mr. O'REILLY said, the hon. and learned Member who had just spoken had brought a grave charge against the hon. Members who, in that House, represented the Irish people—a charge that they had by their language caused disaffection and disorder in Ireland. He challenged the hon. and learned Member to give proof of any such utterances.

Mr. ROEBUCK explained that his observation did not refer exclusively to the present Members for Irish constituencies, but to all the successive generations of Irish Members.

Mr. O'REILLY said, he would accept the explanation. Having been in the House for 14 years, he could speak for the utterances of Irish Members during that period; and he asserted most distinctly that to none of those utterances could be traced the cause of the coercion laws under which the people of Ireland were suffering. The Irish Members had always drawn a distinction between the past and the present, and had always recognized what had been done for Ireland by the sweeping away of the alien Church, the securing of freedom of elections, and the reform of the municipal corporations. He wished also to acknowledge the fair

advance towards improvement in the matter under notice made by the Government; and he admitted that in regard to exceptional legislation, the Government was entitled to make large demands upon the confidence of the Legislature, and he would have been glad if he could have accepted those proposals without offering any opposition to them. On the present occasion, however, he found it impossible either to vote for the second reading or to refrain from voting against it. He contended that the Executive were entitled to make large demands upon the Legislature when they expected insurrectionary movements, and if he had been in Parliament in 1848, as he was in 1866, he should have hesitated long before refusing the Executive the measure they asked for. But there were no such insurrectionary movements in Ireland existing now as to call for any exceptional legislation whatever, and, therefore, the Government were bound to state their reasons for the Bill. This legislation applied to all Ireland. Taking, as a typical question, the law affecting the possession of arms, powers such as were contained in the Bill could only be justified on two grounds—first, the possession of arms with a view to insurrectionary movements; and, secondly, the possession of arms as likely to lead to agrarian or other crimes. The Executive Government did not profess themselves as having the slightest fear of insurrection, although there were some men, strangers to the country, who preached armed resistance, and others, young, excitable, and foolish Irishmen, who wasted their money in the purchase of arms with a vague view to insurrection. Personally, he should applaud any Government which prevented such fools wasting their money for any such purpose. In his opinion, the only weapons which ought to be prohibited were those which were capable of being used for military purposes. The use of ordinary fire-arms would, he believed, be sufficiently restricted by the imposition of a tax. He contended that the law, as it stood, was of no practical use, because if a man was bent on murdering his neighbour, he would soon find a weapon to do the deed with. Beyond that, there were great anomalies connected with the levying of the penalty, and he maintained that that legislation would not prevent agrarian outrages. The suggestion which

Mr. O'Reilly

he had to offer was that there should be a registration of arms, and, as he had said, a tax put upon the possession of them. The greater part of Ireland was now proclaimed, but districts in the North, where they shot each other, had not been proclaimed until recently.

SIR MICHAEL HICKS-BEACH : Will the hon. and gallant Member allow me to explain that all parts are proclaimed except Tyrone, and portions of Antrim, Down, Donegal, Fermanagh, and Derry.

MR. O'REILLY : The railway outrage took place in a proclaimed county, and, therefore, that did not prevent the possession of arms.

SIR MICHAEL HICKS-BEACH : That was in the county Tyrone.

MR. O'REILLY : There was no question about the county Louth, and [no question of Ribbonism there, and yet county was proclaimed. Twenty-five years ago Ribbonism did prevail in that county, but it had vanished through the action of Cardinal Cullen. The stipendiary magistrates granted the licences; but they did not all act on the same principles. What he complained of was, that that should not be left to those gentlemen, and what he wished to point out was, that the law was practically inoperative. He appealed to the heads of the Government, and not to the permanent officials in Dublin Castle, to re-consider this matter. The Act was not useful for any purpose, except to make the people feel that they had a grievance. The law was an absurd one, and an insult to the people, and therefore it was injurious to the peace and prosperity of the country. Next, as to the fining of localities. That was an exceptional law. Such laws might be necessary and useful; but this law also was neither. It gave the Government power to send down extra police at a great charge. This legislation in many other instances than those to which he had referred was uncalled for, and useless for its own purposes. He and his hon. Friends would not oppose legislation against the possession of arms intended for military purposes, or against particular districts as to which strong evidence was adduced; but they must oppose exceptional legislation for all Ireland vesting power in the Executive Government which might devolve upon persons more liable to panic and the abuse of power than the

present Lord Lieutenant and Chief Secretary,

SIR JOSEPH M'KENNA said, that the hon. Member for Belfast (Mr. J. P. Corry) had stated as his reason for supporting the Bill, that in Belfast no inconvenience was suffered by any respectable person in consequence of their not being able to carry arms. He was not aware that any inconvenience was felt by respectable people in St. Petersburg. The argument adduced by the hon. Member for Belfast for supporting the present law, or a continuation of it, would equally apply to the establishment of an absolute despotism in this country. He did not believe there had been any Ribbonism in Ireland for several years, but there was a very active Ribbon organization 25 years ago, and since then all bad conduct had been termed Ribbonism, just as Fenianism, which had practically ceased in Ireland, had become a term affixed to people in a disaffected state of mind. If he believed that those organizations existed, he would support the Government in their endeavours to repress them, but he did not believe in their existence. He admitted that coercive laws were the result of a certain Anglo-Irish opinion in Ireland, but the persons who formed it did not represent England; they leant on the power of the Empire for the purpose of securing class privileges, and they influenced unduly a Parliament imperfectly acquainted with the condition of Ireland, which by coercion produced mistrust in the minds of the people, provoked outbreaks, and then, in times of panic, resorted to further coercion. The ordinary law, if applied with firmness and vigilance, would accomplish all that was required. These laws had originated in a panic arising not from authentic information, but generated by rumour, which, as had been rightly said, was dispersed broadcast without any certain authority, to which malignity had given rise, and to which credulity gave magnitude.

MR. DODSON said, he did not know whether it was intended to continue the debate on another night; but, so far as it had gone, he thought it might very well be brought to a close that evening. Whether it was continued or not, if a division was taken on the Amendment of the noble Lord, he should certainly esteem it his duty to give his support to

the Government, and to vote in favour of the second reading of the Bill. The Government was responsible for the peace, order, and security of Ireland. Being so, they came forward, and on that responsibility asked the House to support the Bill. Under the circumstances, it would require very strong proof of the absence of any necessity for such legislation to induce hon. Members to refuse to vote for its second reading. At the same time, he agreed that the Bill was very clumsily drawn, and very difficult to construe. It was not framed in a manner calculated to render the law intelligible. That, however, was not a peculiarly Irish grievance. They all knew the old maxim—"English law is the perfection of reason." According to Swift, it was to be understood not of the natural reason of man, but that which was to be acquired by long practice in the Court of Chancery. He did not know what amount of reason, nor where acquired, would be necessary in order to construe such legislation as that contained in the clauses of the Bill. For instance, the effect of the 3rd clause was that certain recited Acts, as quoted by one Act, as partially repealed by a second Act, as amended by a third Act, and as continued by a fourth Act, should be read and construed as modified by a fifth Act. The hon. and learned Member for Sheffield (Mr. Roebuck) was rather severe on the conduct of Irish Members generally; but he (Mr. Dodson) was glad to hear him exempt the present generation; because, during that discussion, the hon. Members for Ireland did not, in his mind, deserve the imputations cast upon them. It appeared to him that most of the criticisms and observations of Irish Members, especially of those who had spoken lately in the debate, were directed not so much against the second reading of the Bill as against particular clauses, which could be best considered in Committee. That made him doubt whether it could be intended to carry that debate beyond that evening, and whether the noble Lord should press his Resolution to a division. It must be remembered that the Bill in several important respects relaxed the provisions at present in force, and restored legislation to the state in which it existed previous to the Preservation of the Peace Act, 1870.

The stringent clauses as to newspapers were repealed; but he understood from the Chief Secretary's speech that those clauses were repealed because they had done their work, and because he thought that the circumstances were now such that they were no longer necessary. He did not understand the right hon. Baronet to say that those clauses had been either useless or inoperative in their time, but the contrary. One of the grievances upon which the noble Lord had insisted was the power given by special proclamations; but the Bill proposed to repeal the powers given under the special proclamations. The hon. Member for Roscommon (the O'Connor Don) had objected especially to the continuance of that portion of the former Act which placed on a proclaimed district the charges for extra police, and also for compensation for injuries done, remarking that the burden did not fall on the criminal, and did not stimulate the inhabitants to exert themselves for his discovery. But the principle of that legislation was not peculiar to Ireland. It prevailed in the case of riots in England, where the district was made liable by law for the damage done by the rioters; although the burden did not fall on the guilty, or fell, at least, on the innocent quite as much as the guilty, while it also did not necessarily lead to the discovery of the criminal. The object, however, of such legislation was to set the feeling of the community against the perpetration of such acts, and thus to discourage their repetition by making the people of the district indisposed to encourage amongst them those who had been, or were likely to be, guilty of such crimes. It had been urged also that, while it might be wise not to allow the indiscriminate possession of arms by a population liable to be incited to the unlawful use of them by agitators coming perhaps from another country, yet the possession of arms for purely sporting purposes ought not to be prohibited. That objection, however, did not operate against the second reading of the Bill, and it might easily be met by moving an Amendment in Committee confining the prohibition to revolvers, rifles, and weapons suitable for warfare. The noble Lord the Mover of the Amendment had tried to show that there were fewer crimes of violence in Ireland than in England, and fewer in Westmeath than

in the parts of Ireland to which the Westmeath Act did not apply. Well, however that might be, the supporters of the Bill might reply that those results, if they were real, were owing to the operation of the very Acts which the noble Lord so strongly condemned. But in truth, they could not argue correctly from the number of crimes as to legislation of that sort; because in Ireland they had to deal with a state of society very different from that existing in England. In Ireland the sympathies of the population were not with the law, but against the law; and the offender was not a mere individual, but a member of a secret society, whose commands he obeyed, whose support he received, and among whom he was regarded as a hero, whereas in England he was looked upon as a pariah and an outcast. The noble Lord quoted statistics to show that crime was diminishing in Ireland, and especially in the districts to which the Westmeath Act applied, wishing them to infer that the Act might be repealed. But if crime was diminishing, so also was the stringency of the Acts being diminished, and it must be the hope and wish of every hon. Member that, at a time not far distant, that kind of legislation for Ireland would be altogether dispensed with. He could not but hope that the remedial legislation for Ireland which had now been carried on for the past 40 or 50 years was telling with effect in a constantly-increasing ratio, and that they were now approaching the term of Coercion Acts for that country; but for the present, as the Government declared on their responsibility that they thought a continuance of these Acts was necessary, he should vote for the second reading of the Bill.

Mr. MOORE said, he must contend that in a case of this kind the burden of proof as to the alleged disturbed state of Westmeath and other parts of Ireland rested upon those who instituted this system of legislation—a system which was so totally opposed to the British Constitution. It was legislation which, if brought in for this country, the people of England would not tolerate for one hour. No facts whatever to justify it had been laid upon the Table of the House for hon. Members to study, as would have been done if the introduction of such a measure with regard to any English county had been contem-

plated. He was perfectly prepared to support the Government in anything that might be necessary for the maintenance of law and order; but, at the same time, when they brought forward such a measure as that before the House, it was their duty to submit the facts to the House. He believed those facts would show that the outrages occurring in Ireland extended over a very small area. He (Mr. Moore) was the Representative of Clonmel, and a resident landowner in Tipperary. He had travelled through that county day and night, alone and perfectly unarmed, and he should be sorry to do so in most of the English counties. There must be a fairer understanding and a greater freedom in the expression of public opinion before Ireland could be successfully governed. He strongly condemned the system of "back-stairs government" in Ireland, under which private information was given without any proof of the facts upon which it ought to be founded. It would be well if more weight were given to the expressions of opinion of the Irish Members, who were really responsible for the country, and whose interest it was, quite as much as it was that of the English Government, to maintain the peace and order of the country.

MR. P. J. SMYTH said, he was sure the House would admit that his duty to a great constituency assailed, forbade that he should give a silent vote on the question. As a Representative of Westmeath, he thought he had some reason to complain that the right hon. Baronet had cast all the onus on that county. The people proper of Westmeath—the farmers, farm labourers, traders, and shopkeepers—were a frugal, industrious, and peaceable people. Nature had done much for their fine county, and as far as in them lay they tried to second her beneficent designs. The acts which a few years ago cast a baneful shadow over the lakes and fields of Westmeath, were the acts of a very few individuals—strangers some of them to the county—strangers all of them to the feelings and manners of her generous people. He was not there to excuse or palliate any—the slightest violation—of the eternal laws on which civil society rested, but he felt that Parliament should have paused before affixing a stigma on a great county and prosperous community. Still more should it pause, now that no

cause, save suspicion, had been shown for the renewal of Coercion Acts. He submitted that before hon. Members could justify to their consciences the re-enactment of the Westmeath Act, two things should be made clear. First, that a wide-spread agrarian conspiracy did actually exist in that county; second, that the perpetrator of outrage was beyond the reach of the ordinary law, wisely and firmly administered. Of the first, there was not even an allegation; of the other, there was no proof. The testimony of the Judges of Assize during the last four years was uniform, and to the one effect, that Westmeath was tranquil. The late Lord Lieutenant, Earl Spencer, on whom was cast the odious, and he was sure to a nobleman of his nature, the irksome and painful task of administering the Act, had not hesitated to go, accompanied by the Countess, in the midst of that lawless population, and unguarded and unattended, enjoy the sports which the lakes and fields of Westmeath afford. If magistrates chose to harbour suspicions, and ask the House to legislate on a maybe—a perhaps—a sky might fall, look out for larks—the answer of the House should be—"We have other work to do than, Session after Session, to tear up our Magna Charta and our Constitution, and with the fragments erect for your gratification barricades against suppositious and imaginary crime." Magistrates, like ordinary persons, should come into that high Court with clean hands. But it was notorious that the exterminator was the precursor of the Ribbonman in Westmeath. *Quis tulit Gracchos de seditione querentes?* He had no wish to impeach the magistracy or the landed proprietary of Westmeath. Among them were good and estimable men. But he might ask them, whose is that domain stretching in a westerly direction from the county town on towards the spot where the sweetest poet in the English language was born, and the scene of the "Deserted Village" laid? And where were gone the little homesteads that once studded every mile of that road? They were levelled, wantonly levelled, to give width and scope and grandeur to that demesne. Well might poor Goldsmith's lines of prophetic inspiration rush upon the mind—

"Sweet, smiling village, loveliest of the lawn,
Thy sports are fled and all thy charms
withdrawn;

Amid thy bowers the tyrant's hand is seen,
And desolation saddens all thy green;
One only master grasps the wide domain,
And half a tillage stints thy smiling plain."

The one only master was one of those magnanimous magistrates who blushed not to come to the door of that House praying for coercion against their county. He spoke then under the correction of the right hon. Baronet. He presumed not to put any question, but he ventured to affirm that among the signatories to a memorial praying for the release of persons arrested under the Westmeath Act were magistrates who now memorialized the House for a renewal of that Act. If the statement were uncontradicted, he would leave the House to draw its own inference. Mr. Marlay, a gentleman of whom he would be sorry to speak a disrespectful word, had published in *The Times* a letter advocating coercion for the county of which he was an extensive proprietor, a magistrate, and Deputy Lieutenant. He was answered through the Irish Press by the Rev. Mr. Barton, P. P., of Castletown, the largest parish in the county. Mr. Marlay testified to his own suspicions. Father Barton testified to facts within his personal knowledge. Mr. Marlay expressed a fear that Ribbonism still existed. Father Barton said—"It could not exist without my knowledge, and I say there is none of it." Mr. Marlay was an absentee during the greater portion of the year. Father Barton dwelt continually in the midst of his people. On whose testimony ought that august Assembly of English Gentlemen to proceed to give judgment in that cause? When His Excellency the Duke of Abercorn issued his circular to the magistrates, he (Mr. Smyth) was astonished it did not occur to him as Chief Governor of Ireland—not for a class but for all orders of her people—that magistrates were not the only persons to be heard. There were farmers, traders, shopkeepers, all whose interests lay in the maintenance of peace and order, and on whose shoulders rested the burden of the county rates. Why were they excluded? Why above all were the Catholic clergy ignored in the inquiry? Who so qualified as they to express a true opinion as to the state of the country, and give wise counsel to the Executive? The motive of the exclusion was transparent. Coercion was a foregone

conclusion, and but one body only, and that a body dependent on the Executive, could be found to give it countenance. He answered for Westmeath. She would be found equal to this new trial. She would maintain peace and order within her borders. But that affront she would, with becoming dignity, resent. The object avowedly of that new Coercion Act was non-political, but it would not be without a political effect, and in a direction the opposite of that intended by Government. It would intensify the faith of those who, like him, cherished the dream of a magnificent and independent Ireland yet to be. A great statesman said, on a memorable occasion in that House—"My great difficulty is Ireland." Continue that course of class legislation—for such it was; maintain the Convention Act—that blot upon the Statute Book; renew the Westmeath Act; perpetuate the Peace Preservation Act—your principle distrust, your guide suspicion—and the great difficulty of Sir Robert Peel would become, of the right hon. Gentleman, the insuperable impossibility.

MR. O'CLERY supported the Amendment of the noble Lord the Member for Westmeath. He could only say that such a course of legislation as that proposed by the Government was quite worthy of the Liberals of the House; because it was a matter of history, that more Coercion Acts of the most stringent and tyrannical character had been introduced under their rule, than by any other Government since the passing of the Act of Union. Such Acts must prove utterly useless to prevent crime in Ireland, and the right hon. Gentleman the Chief Secretary for Ireland had had the candour and boldness to state, for the first time, that the object of this sort of legislation was to prevent insurrection in that country. Therefore, instead of being termed "The Peace Preservation Act," the Act now sought to be renewed should be called "The Insurrection Prevention Act." It was sad to see that the result of the Union between England and Ireland was that, after 75 years of English rule, it was necessary to pass an Act to prevent insurrection in the latter country. That was an indication that there was something radically wrong in the English government of Ireland. What did they find at present? They found the Government of England,

Mr. P. J. Smyth

which professed to be the friends of freedom, and which gave shelter to the political refugees from other countries, bringing forward a most unconstitutional measure against the people of Ireland. He was free to say that the English Fleet was employed in countenancing and encouraging revolution in Sicily; but there was no parallel between the case in Sicily and that of the Irish people. The Irish people were not naturally revolutionists; and when other countries were revolutionized, the Irish people resisted the revolutionary movement; they had no sympathy with such movements, and he sincerely hoped they never would. There had been times when Englishmen had trampled upon law and upon the Throne, and then they termed the Irish, who had stood fast by their faith and by their Sovereign, rebels. The people of Ireland were frequently told that they enjoyed the benefits of the British Constitution; yet in the face of such a boast, and in a time of profound peace, such a measure of coercion as that now before the House was brought in by the Government. It was said there were at present 40,000 armed men, including the Constabulary in Ireland; and could anyone be surprised that foreigners made remarks upon such a state of things? Well, if 40,000 armed men were required at a time of profound peace in Ireland, what number would be required there should this country be engaged in a war? When the other night he listened to the burning words of the hon. and gallant Member for Renfrewshire (Colonel Mure) speaking of the attack on the Redan, he heard him describe the British soldiers who were led on to the attack as lying down five deep in the trenches with fear, and he was proud when he heard it was said that those men were not Irish soldiers. It was said that the recruiting for the British service was not going on well; and surely such legislation as that now proposed was not of a kind to induce the Irish to join the Army. Emigration was going on largely from Ireland to America, where the Irish had hosts of friends; and it would be wise in the Government of this country to so legislate for Ireland as to induce Irishmen to remain at home, and not leave the country for America in a discontented mind. The right hon. Gentleman the Prime Minister said on a former oc-

casion that he would rather govern Ireland on the principles of Charles I. than on those of Oliver Cromwell; and he wished the right hon. Gentleman would act upon those principles, and not be diverted from them by the reports of self-interested Irish magistrates. The people of Ireland came before the House as men, and asked to be treated as men, not as slaves. Parliament would find it to its interest to adopt that policy with respect to the Irish people, who, if properly treated, would loyally respond to every effort which was made to maintain the power and the prestige of the British nation. He therefore most heartily gave his support to the Amendment moved by the noble Lord the Member for Westmeath.

MR. KIRK said, he had heard no sufficient reason alleged for the continuance of exceptional and coercive legislation in a country whose condition, so far as the absence of crime was concerned, contrasted favourably with that of England. For several years past, and up to the present time, the Judges of Assize had spoken in terms of marked approbation of the state of the county of Louth—which he had the honour to represent—and yet in that county the Constitution was suspended. Mr. Justice Lawson, in 1873, found the calendar a blank, and spoke of Louth as taking the first rank as a model county; the Grand Jury at the Summer Assizes of 1874 were informed that there was not a single case to send before them; and in the spring of this year Mr. Baron Fitzgerald found a like gratifying state of things existing. Why was it, then, that such a peaceable country should be coerced and proclaimed. He held a large property there, and was one of the largest ratepayers in the county, and yet he could not carry a gun over his own grounds without running the risk of being taken up by a policeman. A friend of his had tried the experiment, and was arrested for doing so. He and several other large ratepayers waited upon the magistrates and asked to be favoured with a certificate to enable them to carry arms, but their request had been imperatively refused; and yet at the same sessions certificates were granted to several small occupiers and ratepayers, but they happened to be men of a certain religion and of a particular complexion of politics. Looking to the

peaceful state of the country, these Coercion Laws were an insult to her people, who had not the slightest chance of justice and fair play being done to them. His hon. Colleague had last year told the House how a monkey was taken prisoner for firing his popgun in the streets of Belfast, that being a proclaimed district, and no doubt the poor monkey had to undergo the full penalty of the law. Some months ago a poor feeble beggar was sent to gaol in county Westmeath because he was found out after sunset and had no fixed habitation. Two men were lately apprehended in Kells, when each was sentenced to a month's imprisonment because one had some tools with him for the repair of a monument, and the other because a Prayer Book was found in his pocket. He mentioned these facts to illustrate to what extent the law was strained in Ireland. He wished that the right hon. Baronet the Chief Secretary for Ireland had taken the advice of the ministers of religion in Ireland and not of the magistrates as to the necessity for continuing and carrying out such a policy of legislation—because the bulk of the magistrates had no feeling in common with the people—they had always been antagonistic to them, in the past they had oppressed them, and they still wished to keep them in thralldom. Coercive measures were never known to effect a cure. The Roman Catholic priests of Louth had a short time since held a meeting and passed a resolution to the effect that it was their opinion that Ribbonism no longer existed in the country, and that opinion had been backed with the authority of the Bishop.

MR. FAY said, that hon. Gentlemen opposite had not risen to answer the arguments used against the Bill. They knew that these arguments were unanswerable, and therefore they observed a contemptuous silence. He was the first Catholic Member that had been returned from Ulster. He spoke in the name of 800,000 Catholics, and in their name he denounced this course of procedure on the part of the Government as reprehensible. These measures of repression were wholly uncalled for, especially in his part of Ireland—Cavan. Everywhere the feelings and habits of the Irish people were trifled with. There was no such thing as a British Constitution. For non-delivery of arms none

were arrested; 59 strangers were arrested, none convicted; for carrying arms several were arrested, but none convicted. Many other arrests of a most annoying and frivolous character were made, but with results equally abortive. He could understand hon. Gentlemen supporting the Bill against all argument, for they seemed to have been returned to the House for no other purpose than to defame the character of Ireland. ["Oh, oh!"] He was ready to apologize if he had exceeded the privilege of debate; but he could not help speaking what he felt at his heart. The Irish people were entitled to equal rights with those of other portions of the country, and he could see no reason in withholding them from them. When taking up that day's paper, he saw eight murders in one day recorded there; while, in all his experience, he did not know when so many murders had taken place in Ireland in a whole year. He asked that Ireland might have a fair trial for only one year; and were that conceded by the Government they might find themselves rewarded by the consequences of liberty enjoyed by a contented people, and of which Englishmen showed themselves so tenacious and so proud. He hoped his words would not be without some effect on Her Majesty's Government, and that they would yet pause before they finally committed themselves to a policy that had not conduced to the peace or the welfare of Ireland.

MR. O'LEARY said, it had been observed by an hon. Member on the other side of the House, that Coercion Acts would become unnecessary in proportion as crime diminished; and in that case, he would ask whether it was possible for the Irish people to have Coercion Acts over them until they arrived at a condition of virgin purity? He had heard so many baseless arguments reiterated in favour of the Bill, that he regarded hon. Members with pity, and he would therefore move the adjournment of the debate.

Motion made, and Question proposed.
 "That the Debate be now adjourned."
 —(Mr. O'Leary.)

MR. DISRAELI said, if the hon. Member had intended, when he rose, to conclude with that Motion, he should have, at least, addressed the House till

Mr. Kirk

midnight, and there would then have been more reason for the Motion he had just made. He hoped, however, the hon. Gentleman would re-consider his Motion, as he must feel that he was scarcely justified in making it. There was every disposition on that side of the House that hon. Gentlemen opposite, especially those connected with Ireland, should have ample opportunity of expressing their opinions. Indeed, he had, as was his constant practice, throughout the evening been quite willing so to arrange the debate with hon. Gentlemen opposite as to meet their convenience in every way. If it was their wish that the debate should be adjourned at the proper time, when the subject had been sufficiently discussed that evening, he should be ready to meet their wishes. But if the hon. Member would withdraw his Motion, he would suggest to him that they might possibly conclude the debate that night at an hour rather later than usual—say, 2 o'clock. They would thus have the advantage of hearing several hon. and right hon. Members who had not yet spoken, and particularly right hon. Gentlemen on the front Bench on the other side, who always commanded attention at late hours. But wishing to give hon. Gentlemen opposite every opportunity for expressing their opinions on the subject of the Bill, he repeated that the Government were anxious to meet their convenience in every way. If it was felt to be for their convenience that the debate should be adjourned, the Government would not oppose their wish, though they could not accede to it at that comparatively early hour—20 minutes before 12. If, on the other hand, they wished the debate to be concluded that night, say before 2 o'clock, he should be happy to meet their views in that way, and as far as he could, secure a calm and dispassionate debate.

Mr. MUNDELLA said, he would admit it was rather an early hour to adjourn the debate; but he thought it was the fact, that hon. Members on the opposite side had been expecting to hear something from the Government Benches in reply to the damaging statements and arguments which had been made by the Irish Representatives. The Government appeared to wish to meet those statements by a conspiracy of silence, and if these tactics were continued, he should

vote for the adjournment. He hoped the hon. Gentleman would withdraw the Motion, and that some Representative of the Government would assure the House that some of the statements which had been made were untrue, and that they had something to say in support of the Bill.

SIR MICHAEL HICKS - BEACH said, that though prepared to address the House at the proper time, he was of opinion that the speeches against the Bill had been satisfactorily answered by the hon. and learned Member for Sheffield (Mr. Roebuck) and the right hon. Member for Chester (Mr. Dodson). He was anxious to hear any further arguments which might be adduced by hon. Members below the Gangway on the other side, and when an opportunity was afforded him, he should be prepared to reply on behalf of the Government.

Mr. SULLIVAN said, he had yet to learn that the right hon. Gentleman could shift responsibility from his shoulders to that of hon. Gentlemen on the Opposition Benches in that way. Hon. Members on his side of the House were entitled to hear what case would be made out for the Bill by the right hon. Gentleman. They had waited with astonishment in the expectation of such a statement being offered them by the Government, and while Irish Members were ready to admit that the right hon. Gentleman at the head of the Government had manifested the most courteous spirit towards them, they did not admit that the debate had been conducted in a seemly manner towards the House by Her Majesty's Government. What he understood the right hon. Gentleman the Chief Secretary to mean was, that he would rise at the proper time and say that he considered that the hon. and learned Member for Sheffield and the right hon. Member for Chester had done his duty. He protested against the Government flinging a Bill of that atrocious and desperate character upon the Table of the House—a measure which was intended to destroy the liberties of his countrymen—and then sitting silent while Irish Members one by one rose to protest against it, without one word of justification or explanation. It was true the Bill might be carried by a majority—a large Government majority; but to sit silent while these remonstrances against destroying the liberties

of Ireland were uttered, was like that of a benign cat watching the play of a mouse it intended to devour. The Irish Members were, however, determined that their country should not be subjected to a law which the Government would not dare to propose for England, Scotland, or Wales. They would not have their country dealt with in that way, and he asked his hon. Friend the Member for Drogheda to withdraw his Motion for the adjournment of the debate, in order that the right hon. Gentleman who was the father of the Bill might make out a case for his offspring.

Motion, by leave, *withdrawn*.

Question again proposed, "That the words proposed to be left out stand part of the Question."

SIR MICHAEL HICKS - BEACH said, he could assure the House and the hon. Member for Louth (Mr. Sullivan) that his only desire in remaining silent till now was to further the progress of the debate. It was his duty, he knew, to defend the provisions of the measure under notice, after it had received full discussion; and having carefully listened to the speeches which had been made, he must say that, excepting those of the hon. Members for Longford (Mr. O'Reilly) and Roscommon (The O'Connor Don), he had seldom heard a debate in that House which had travelled so very widely from the question before it. The noble Lord the Member for Westmeath (Lord Robert Montagu), who opened the debate, and other hon. Members who had spoken below the Gangway, had uttered lengthy tirades against coercion; but he had heard few references either to the existing laws in Ireland or to the provisions of the Bill before the House. The hon. Member for Louth, with that fervid eloquence for which he was distinguished, spoke of the Bill as a measure of an atrocious and desperate character, and as one that would take away the liberties of his country; but did the hon. Gentleman appreciate the fact that the laws which were now applicable and applied to a great part of Ireland were far more stringent than the provisions of this Bill? Did he appreciate the fact that this measure was proposed as a relaxation of the existing laws? He had supposed that from the hon. Member for Louth—if from no other

hon. Member—some acknowledgment would have been given that, thanks to the present condition of the country, the Government were able to propose a relaxation in the law with regard to the Irish Press. It might have been supposed that hon. Members coming from the counties now specially proclaimed, in which strangers were subject to arrest and committal, and what was known as the Curfew Law was in force, would have acknowledged the fact that neither of those provisions were re-enacted in the Government measure. He should also have supposed there would have been some acknowledgment on the part of the licensed victuallers of Ireland of the fact that it was not proposed to re-enact the law which enabled the Lord Lieutenant summarily to close public-houses in specially proclaimed districts. The Government were only too thankful and happy to make these relaxations, which were substantial and real, and he could not refrain from expressing his surprise that the hon. Member for Louth should speak of the measure which proposed these relaxations in the manner he had. He did not propose to dwell at any length upon the speeches of the hon. Members for Roscommon and Longford, because many of the points raised by them would be better dealt with in Committee; but he hastened to acknowledge the good sense and good feeling which pervaded those speeches. He ventured to say that if speeches upon Irish questions were always marked by equal moderation, it would be far easier to conduct the affairs of Ireland than it now was. But the reference to coercion made by many other Irish Members showed that they were ignorant not only of the existing law, but also of the provisions which the Government proposed to re-enact. How far were the latter provisions of a coercive character, and how far did they justify the extraordinary epithets just applied to them? The noble Lord the Member for Westmeath laid down the principle that if legislation were right for England, the contrary legislation must be wrong for Ireland, and he summoned the "intelligent foreigner," who was usually invoked on such occasions, to give his opinion. "If" said the noble Lord, "a superior person from Japan could be present at our deliberations, he would undoubtedly say that the

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proposed exceptional legislation was iniquitous." But this "superior person" would probably observe with justice that circumstances altered cases, and that it did not necessarily follow that legislation adapted to Ireland was equally adapted to England and *vice versa*. He had explained fully in the speech with which he introduced the measure what were the provisions they did not propose to re-enact, and why they might properly cease to exist, and also what it was proposed to re-enact; and he did not think this measure could fairly be called of a coercive character. What was the special legislation now proposed for Ireland? First, there were restrictions upon the free possession of arms. Hon. Members must not forget the statement of the hon. Gentleman the Member for Longford (Mr. O'Reilly) that the free possession of arms could not be considered a natural right. No such right existed in England or Scotland, because under an Act passed not many years ago, a licence duty must be paid before anyone could keep arms. It was thought essential that in Ireland there should be a further restriction, and that persons desiring to possess arms should obtain licences from a properly appointed authority. Surely that was not a provision of an exceptionally coercive or "atrocious" character. It had been said—Why do you apply to Ireland provisions and restrictions which do not apply to England and Scotland? The answer was obvious, and in introducing the Bill, as he had said, he thought he had given sufficient reasons why the free possession of arms would not be at the present moment advisable in Ireland. It must not be forgotten that this restriction had existed since 1847; that although the Government hoped and believed that the Fenian organization was no longer in a position to do mischief, no little disaffection still existed in many parts of Ireland; that many persons returning from America desired to carry and use revolvers; and, finally, that in party processions the carrying of arms was sometimes attended with dangerous incidents. An unfortunate example of the last class of cases occurred a few days ago in a county not proclaimed, because a party of Home Rule excursionists came out of another county into an otherwise peaceable county and brought arms. These reasons, he hoped, would induce the House

to decide that some restriction upon the possession of arms was necessary in Ireland beyond the law which was necessary in England and Scotland. On that point he could appeal to an authority to which he did not always attach great importance, though he was sure it would be accepted by hon. Members opposite. A speech was made in that House in 1856 to the following effect—that—

"Their whole experience of Ireland demonstrated that they could not safely govern that country without some power on the part of the Government to put a check upon the possession of arms by the people. This necessity arose from the existence of secret societies. In 1846 the Government tried the experiment of leaving the Lord Lieutenant without such a power, and what was the result? The result was that public auctions of arms took place, and the state of Ireland the next year was marked with outrages of the most serious character."—[3 *Hansard*, cxlii. 1575-6.]

He quoted that passage from a speech of the hon. and learned Member for Limerick (Mr. Butt). He felt, however, that what he had said on that subject of arms was not applicable to the whole of Ireland, nor was the law at present applied to the whole of that country. He could assure the House that it was the intention of the Irish Government safely and gradually to relax the provisions of the law over a greater portion of Ireland than at present. He believed by degrees it would be perfectly possible that in the quieter parts of Ireland the possession of arms might be as free and unrestricted as in any portion of the United Kingdom. But he believed that that could not be done, except gradually; and by the policy which the Government up to that moment had pursued, they had given an earnest of their intention to proceed further in the same direction. For what had they done? In the proclaimed parts of Ireland it was the practice of the late Government to issue search warrants to remain in force for a period of three months. They proposed, under this Bill, to reduce those three months to the original period of 21 days. And more than that, when, last summer, the three months for which the search warrants had been issued by the late Government expired, and it became his duty to consider whether they should be again issued, he thought it unnecessary; that the great thing to be guarded against was the importation of arms,

which might get into the hands of dangerous persons; and therefore he came to the conclusion that the search warrants should continue in force in those ports only where importation might be most expected. But with regard to other parts of Ireland, if it appeared necessary that arms should be searched for, that in every case special application should be made to him, and his authority obtained before the search warrants should be issued. He merely mentioned that as a proof that Government was determined safely and gradually to relax those restrictive provisions; and he would point to the Bill before the House on that particular subject to show that, not only in administration, but in legislation, they desired to pursue the same course. The noble Lord the Member for Westmeath referred to the statement which he (Sir Michael Hicks-Beach) made with respect to the small amount of ordinary offences, and the diminution, satisfactory as far as it went, of agrarian crime in Ireland. He was thankful to see that small amount of ordinary crime and that diminution of agrarian offences in that country; but in considering the matter we must take into account something more than a mere catalogue of crime, and must look at the special circumstances of crime in Ireland. We must remember not only what crimes were perpetrated, but also whether the perpetrators were brought to justice and convicted. Now, he had before him a statement relating to certain agrarian murders which had been committed in Ireland in 1874. He would ask the House to consider, when he laid before it the circumstances of those cases, whether they were of opinion that the ordinary English law could deal with them. The noble Lord the Member for Westmeath had told the House that if crime existed in Ireland it was sure to be detected, and the perpetrators to be convicted. He wished he could say that was his experience with regard to agrarian crime. He found in the Papers to which he referred a statement of five cases of murder and one attempt to murder. In one case the persons arrested for the crime had not yet been tried, and in another the jury had disagreed; but in not a single one of the other cases had any one been brought to justice, much less had there been a conviction for the offence. But why had

they not been brought to justice? Because evidence could not be obtained against the perpetrators of the crime. The first was the murder of John Stapleton in the county of Tipperary. He had no doubt that the perpetrators of this crime were well known by the neighbours; but the universal desire seemed to be to protect them, and not a single witness could be found to come forward and prove the case. The next was the murder of Johanna Hayes, likewise in the county of Tipperary, and which was the subject of some very strong remarks by Baron Dowse. In this case the sister-in-law of the murdered woman, who resided with her, when about to be sworn, began to cry, and refused to give evidence, saying that she did not want to be brought into it, and that she should be called an informer; and the account finished with this—"There is no likelihood of the murderer ever being brought to justice." Again, on the 13th September, a man named Stephen Scanlan was shot at his own door also in the county of Tipperary. Two men had just been tried for this crime, but sufficient evidence could not be procured, and the jury disagreed. There was another case—that of Stephen Church in Londonderry County; he was murdered on the 26th December, between 5 and 6 o'clock in the evening, while sitting in the house of a friend (Matthew Brown) by a shot fired from the outside of the window; and what was the fact? This told the story of Irish agrarian crime better than anything else. There were five young men sitting with him at the time, but not one of them attempted to go outside and look after the murderer. They said they were afraid. And only the other day, in King's County, a man who had returned from America to claim some property which had got into the possession of another person, instituted at the last Spring Assizes a suit of ejectment against that person. He won his suit, and in a few days the ejectment would have been carried out. The other day, while this man was attending a wake, he was shot dead at 2 o'clock in the morning, also through the window of the house; and although 20 young men were sitting there, only one of them, who was a dismissed sub-constable, dared to go out to try to find the murderer. In spite of

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all that was said by hon. Members opposite, who talked of the liberties of their country, he maintained these were facts which could not be dealt with by the ordinary law. The provisions of this Bill, which they proposed as calculated to deal with them, were not only restrictions on the possession of arms, but also provisions to which objection had been taken by the hon. Members for Roscommon and Longford. They proposed to re-enact those clauses of the existing law which enabled magistrates in Ireland, like coroners in England and procurators-fiscal in Scotland, to take evidence with regard to crime where no person was charged with the offence. They also proposed to re-enact the clauses which enabled search to be made for handwriting, upon sworn information, with regard to threatening letters, which were too often the precursors of crimes of murder; and, in addition, the provisions of the Crime and Outrage Act of 1847, by which a special police tax could be imposed upon districts where those crimes occurred, and of the Act of 1870, by which the Grand Jury of the county was enabled, subject to the fiat of the Judge of Assize, to give compensation to those who were injured by these crimes. It was all very well to say that these provisions with regard to compensation and the police-tax might be used unfairly and improperly. But he would tell the House what the Grand Juries throughout the whole of Ireland in 1874 had done. So far as the Returns obtained up to that time enabled him to judge, it appeared that they had presented the sum of £870 as compensation to those injured by crimes committed; and during the same year there was no more than £184 of special police-tax spread over three cases under the clause which they proposed to re-enact. He did not think any one could say that, so far as the last year was concerned, any unfair advantage had been taken of either of those provisions. But they were sensible that to a certain extent with regard to compensation by Grand Juries, the power was liable to be improperly used, and, therefore, they proposed in the measure now before the House certain provisions which would place it on a better basis. As regarded the principle of the special taxation, he felt that it was sound and right, for it was a tax on cowardice and indolence;

and although it might not induce witnesses to come forward against the person who had committed a particular crime, yet it was certain to deter persons who had paid the tax from aiding and abetting any such crime in the future. He looked upon it as a useful deterrent in regard to crime of this nature. The continuance of the Westmeath Act was the only portion of the Bill which could be considered open to the objections raised on constitutional grounds. In introducing the Bill, he endeavoured to show that in 1871 no reasonable man doubted the existence of a terrible conspiracy, which practically over-rode the ordinary law, which interfered with every relation of life, and which tyrannized over peaceable and respectable people, in a very different way from the operation of this Act. In 1871 the House appointed a Committee, which unanimously reported the existence and the power of that conspiracy. Its history was a fact; and the question arose—What is probable in the present and in the future? The Government had these facts before them, and had consulted the magistrates of the county of Westmeath as to the present condition of their county. ["Hear, hear!"] The hon. Member for Louth cheered that statement. He was one of those who regarded the magistrates of Ireland as aliens in race and religion, and attached no importance to any opinion they expressed. For his own part, he (Sir Michael Hicks-Beach) believed that the magistrates were in race at one with the people of that country—["Oh, oh!"]—and if anything would make him despair of the future of Ireland it was the importance which was attached by hon. Members opposite to the religion of a magistrate. Did they not believe that it was possible for a Protestant to do justice to a Catholic, and a Catholic to a Protestant? We had long since got beyond that point in England, and he looked forward with hope and confidence to the day when they would do so in Ireland. Why did the noble Lord the Member for Westmeath object to the magistrates of Westmeath as alien in race to the people of that country? He had never heard that the noble Lord was an Irishman; but he had heard that the noble Lord voted for the second reading of the Peace Preservation Bill in 1870. Yet, in spite

of that, and the fact that the noble Lord was an Englishman, the electors of Westmeath elected him as their Representative. It was to be hoped that no more would be heard of those charges against the magistrates as aliens in race and religion. He attached as great importance to the statements they made to Government and in public as to the statements made by English magistrates; and the Irish magistrates, irrespective of race and religion, had expressed the opinion that the Westmeath Act should be continued. In addition, the Government had the opinions of two Judges of Assize at the Spring and Summer Assizes at Mullingar. With these statements before them, the Government would be wanting in their duty to the country if they declined to propose to the House the re-enactment of these provisions. More than this, the Ribbon Conspiracy—the existence of which, to his astonishment, had been denied by the hon. Member for Youghal (Sir Joseph M'Kenna)—had a history of nearly 100 years, and could it be supposed that it was to be extinguished by an Act which had only been in operation four years? The noble Lord the Member for Westmeath had quoted certain parts of his (Sir Michael Hicks-Beach's) speech and drawn incorrect deductions therefrom. He had never said that that conspiracy was extinct; but only that it was dormant, in consequence of the existence of this law. Those who had formerly been the leaders and perpetrators of these crimes were now kept in fear by that Act, and if Parliament repealed it, for aught they knew these crimes would commence again. He would again repeat that while it repressed crime, it did no harm to the loyal and peaceful inhabitants of Westmeath. It had been administered in a fair and cautious manner under the calm and deliberate advice of the late Law Advisers of the Crown; and if it were necessary to put its provisions in force, the present Government also would take the opinion of its Law Officers. As the present Attorney General for Ireland had been referred to, he would assert that no more conscientious and painstaking person had ever filled that office. The law, moreover, would be administered not on mere surmise, but upon satisfactory evidence that it ought to be put into operation. It had been adminis-

tered with moderation, as was proved by the fact that 19 persons only had been included under the Act; and yet with sufficient severity to bring peace and order into a district that before the Act was passed was under the rule of Ribbon societies, and was, so to speak, frightened out of its senses by agrarian outrage. The House would not feel inclined readily to throw aside an instrument that had done such good work, but would, he hoped, entrust it to the Government for a further limited period, with the assurance that it would be dispensed with at the earliest moment consistent with the maintenance of law and order in that part of Ireland. He now came to the Unlawful Oaths Act. The noble Lord the Member for Westmeath had amused the House by imagining what might happen if the provisions of the Bill were put in force against the Lord Lieutenant or the Chief Secretary for Ireland. He begged to remind the noble Lord that the provisions in the existing Act had no application to any society working under the authority of the Lord Lieutenant of Ireland, and as the present Lord Lieutenant was the Grand Master of Freemasons of Ireland, it might fairly be argued that he and the Freemasons were in no danger. With regard to himself, at any rate, the noble Lord might feel quite at ease; for it so happened that very much against his desire he had been unable to attend a meeting of any Freemasons Lodge in Ireland. The object of this legislation was to secure that if any person alleging himself to be a Freemason or a Christian Brother wished to escape the operation of the Act he should be properly registered, in order that some public notice should be given, so that it might be seen if he were what he pretended to be. If it were necessary to amend the Bill in Committee so as to ensure that the same publicity might be given without unnecessary trouble to the members of those societies, he should be ready to agree to such a proposal. He believed he had now touched upon the principal points raised in the debate, and he would, in conclusion, ask the House to remember that the Government were only asking for the continuance of existing laws, and not for the enacting of fresh ones. Having taken into its consideration the improved state of Ireland, the Government did not propose to re-enact these

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laws without great modifications. He would now appeal to hon. Members below the Gangway whether they could oppose such a policy. Let them turn their thoughts from vague denunciations of coercion laws to the actual provisions of this Bill and the intentions of the Government. He gave them full credit for an earnest belief in the statements they had made, and for good faith in the opinions they had expressed. On the other hand, they would, he hoped, give credit in turn to the Government for the same belief in the necessity of their proposals. Her Majesty's Government had endeavoured to obtain sure and reliable information on the point from those best qualified to give it, and, having afterwards sifted the information with great care, they proposed that measure to the House, believing it to be necessary for the peace and good government of Ireland. Hon. Members opposite said that coercive laws were no longer necessary in Ireland. Her Majesty's Government, on the other hand, maintained that a modified code such as was proposed in the Bill before the House was necessary for Ireland. The question then arose as to which opinion was the correct one. If hon. Members opposite were right in thinking that Ireland would be as peaceable and flourishing as at present if these laws were for ever removed from the Statute Book, and yet the House adopted the view of the Government and passed the present Bill; the position would be that the Coercion Laws would continue temporarily in a far less stringent form than at present, with the least possible inconvenience to peaceable and well-disposed persons. If, on the other hand, the House, declining to adopt the proposal of the Government, were to repeal all these Coercion Acts, the result would be that during next winter, as sure as he was addressing the House, there would be grave danger of a repetition of the acts which had heretofore disgraced Ireland. They might have renewed bloodshed, a fresh feeling of insecurity of life and property, which would drive away capital from the country, banish resident proprietors from Ireland, and drag the country back 10 years in the path of progress in which she had now gone so far. If hon. Members opposite would but put this argument fairly to them-

selves, they would see that in accepting the proposal of the Government they would be accepting the least of two evils. If the proposal was not accepted and the evils to which he had referred chanced to rise, the infallible consequence would be a re-enactment of measures far more coercive than any now proposed. In conclusion, he would say that the Government had proposed the measure in the desire to preserve peace in Ireland, to secure the position which that country had attained in material progress and advancement, and to provide that under the protection of the law, Irishmen should advance still further towards that goal of prosperity, in relation to which he feared they were still somewhat behind the rest of the United Kingdom. It was in this spirit that he recommended that Bill to the House, intending, as he had stated, to administer it with the care and caution which had characterized the Irish Government for some years past; and indulging in the confident hope that, by gradually and safely relaxing its provisions, the Government might be able to secure that, at a date earlier than that fixed in the Bill for the expiry of the various statutes enumerated in its clauses, there might be no longer any coercive laws in Ireland.

MR. CALLAN said, he should move the adjournment of the debate, and would suggest that the House should meet again at 2 o'clock and proceed with the Bill in a Morning Sitting.

Motion made, and Question proposed,
"That the Debate be now adjourned."
—(*Mr. Callan.*)

MR. SULLIVAN said, he must object to the proposal for a Morning Sitting, on the ground that he had on the Paper for to-morrow a Motion on the state of England in reference to a question somewhat similar to that which had been raised by the present Bill in relation to Ireland. In addition to that, there was another Motion, also concerning England, to be submitted by the hon. Member for Mid Lincolnshire (Mr. Chaplin). From that, it could be seen that he made the objection in favour of England.

MR. DISRAELI: Speaking also in the interests of England, I think that is a measure which will keep, and it seems to me that any time before Whitsuntide

would equally serve the purpose of my hon. Friend. I certainly should not support the proposal for a Morning Sitting on Tuesday, as both sides of the House are opposed to it. In case the hon. Member for Mid Lincolnshire will not press his Motion, will the hon. Member for Louth withdraw his Motion and allow the debate to proceed to-morrow?

MR. SULLIVAN said, he had no objection to consult the convenience of the House, but he hoped that in return he should get a Government day for his Motion.

MR. BUTT thought that they should first adjourn the debate, and then fix a day for resuming it. He would remind the right hon. Gentleman that he had pushed forward the Coercion Bill at the expense of an important Irish measure which stood first on the Paper for Wednesday.

MR. DISRAELI wished to observe that there would have been no chance of the hon. and learned Member for Limerick bringing in his Bill to-morrow evening, even if this measure were not before the House. The hon. Member for Mid Lincolnshire had a Motion which would occupy the whole night, and then came another to be proposed by the hon. Member for Louth, so that it was impossible for the hon. and learned Member for Limerick to proceed. With regard to the intimation that Coercion Bills were pressed forward in preference to other Business, he could only say that he knew of no foundation for the statement. It was agreed that this measure of the Government should proceed to-morrow, and we divide on it, and if the hon. and learned Member really wished to bring on his Bill, he (Mr. Disraeli) would depart from his original plan; but he thought that it would be for the convenience of the House that they should commence the holidays on Tuesday.

Motion agreed to.

Debate adjourned till To-morrow.

PARLIAMENT—BUSINESS OF THE HOUSE.

OBSERVATIONS.

MR. SULLIVAN said, that under the circumstances, he would postpone his Motion as to the state of England.

Mr. Disraeli

MR. CHAPLIN said, he was also willing to hold back his Motion for the convenience of the House, but he wished for some assurance from the Government that he should have an opportunity to proceed with it at some future time.

MR. DISRAELI: I must express on the part of the Government their great obligation to the hon. Member for Mid Lincolnshire for his courteous conduct. I look on his Motion as one of national importance, and I shall feel it my duty, if possible—though I cannot bind myself—in the course of the Session to take care to have that question discussed. As to the hon. Member for Louth (Mr. Sullivan), I can only say at present that those who oblige are often obliged, and I should be very sorry to impede the interesting subject that he has announced. I wish further to say that it is our intention, with the sanction of the House, to come to a division on our measure to-morrow, and it will, therefore, be necessary to move that the debate should take precedence of the Orders of the Day. I move that.

Motion agreed to.

SCHOOL ATTENDANCE IN TOWNS BILL.

On Motion of Mr. SALT, Bill to secure and enforce the attendance of Children in Elementary Schools in corporate and non-corporate Towns, *ordered to be brought in by Mr. SALT, Lord FRANCIS HERVEY, and Mr. HERMON.*

Bill presented, and read the first time. [Bill 102.]

MEDICAL ACT AMENDMENT (FOREIGN UNIVERSITIES) BILL.

On Motion of Mr. COWPER-TEMPLE, Bill to amend "The Medical Act, 1858," so far as relates to the registration of women who have taken the degree of Doctor of Medicine in a Foreign University, *ordered to be brought in by Mr. COWPER-TEMPLE, Mr. RUSSELL GURNEY, and Dr. CAMERON.*

Bill presented, and read the first time. [Bill 103.]

BURGHs AND POPULOUS PLACES (SCOTLAND) GAS SUPPLY (NO. 2) BILL.

On Motion of Sir WINDHAM ANSTRUTHER, Bill to make provision for lighting Burghs and Populous Places in Scotland with Gas, *ordered to be brought in by Sir WINDHAM ANSTRUTHER, Mr. ORR EWING, Mr. GRIEVE, and Mr. WILLIAM HOLMS.*

Bill presented, and read the first time. [Bill 104.]

House adjourned at One o'clock.

HOUSE OF COMMONS,

Tuesday, 23rd March, 1875.

MINUTES.] — SELECT COMMITTEE — General Carriers Act, 1830, Mr. Watkin Williams *disch.*, Mr. Whitwell *added*; Police Superannuation Funds, *nominated*.

PUBLIC BILLS — *Ordered* — *First Reading* — Merchant Shipping (Load Line) * [106]; Jersey Courts * [107].

First Reading — Land Titles and Transfer * [105].

Second Reading — Peace Preservation (Ireland) [41]; Municipal Corporations (Ireland) [77], *debate adjourned*.

Second Reading — *Referred to Select Committee* — Foreign Loans Registration (No. 2) * [94].

Third Reading — Elementary Education Provisional Order Confirmation (Caister, &c.) [88], *and passed*.

Withdrawn — East India Home Government (Pensions) [74].

PASSENGERS ACT, 1855—INFLAMMABLE CARGOES.—QUESTION.

MR. D. JENKINS asked the President of the Board of Trade, If any steps have been taken to prohibit the shipment of oils, spirits, and other cargo of an inflammable nature in sailing vessels carrying large numbers of passengers under the Emigration Acts?

SIR CHARLES ADDERLEY: Sir, the 29th section of the Passengers Act, 1855, gives power to the Board of Trade both to stop passenger ships if loaded with such shipments dangerous to the health or lives of the passengers or safety of the ship, or if the cargo is not stowed and secured to the satisfaction of the officers of the Board of Trade. It has since the case of the *Cospatrick* been under the consideration of the Board of Trade whether any general regulations on the subject can be made in the interests of safety compatible with the necessities of the trade.

STREET ACCIDENTS (METROPOLIS).

QUESTION.

SIR PATRICK O'BRIEN asked the Secretary of State for the Home Department, If his attention has been called to the employment, in the crowded streets of London, of covered vans, the construction of which does not admit of the driver seeing on either side of him; if he is aware that a large proportion of street accidents arise from the employment of such vehicles; and if he is prepared to prohibit the use of such vehicles in the public streets?

MR. ASSHETON CROSS, in reply, said, there was no doubt that a great proportion of the accidents arose from the use of large vans, though to what extent covered vans contributed to that result he was unable to say. He had, however, ordered a careful observation and investigation to be made on the subject, with the view, if possible, of introducing regulations which tend to the prevention of accidents and the protection of life.

NEWFOUNDLAND FISHERIES.

QUESTION.

MR. A. M'ARTHUR asked the Under Secretary of State for the Colonies, Whether he will lay upon the Table any recent Correspondence relative to the French claims to exclusive rights of fishing on the coast of Newfoundland; and, whether it is the intention of Her Majesty's Government to open negotiations with the French Government for the permanent settlement of those claims?

MR. J. LOWTHER: Sir, Her Majesty's Government is now engaged in negotiations with the French Government upon this subject, so that the production of Papers would, at the present moment, be attended with inconvenience.

JUDGES AND JURIES.—QUESTION.

MR. WHALLEY said, he had received a letter from his hon. Friend the Member for Stoke stating that he was compelled to be unavoidably absent from the House, and he therefore begged, on behalf of the hon. Member, to ask the Question No. 5 on the Paper. [*Cries of "Read, read!"*] Well, the Question was very lengthy, and he did not think it was necessary to read it. [*"Read, read," and "No!"*]

MR. SPEAKER: Does the hon. Member ask the Question?

MR. WHALLEY said, he thought the better course for him, under the circumstances, was to withdraw the Question.

SPAIN—REPORTED RECALL OF MR. LAYARD.—QUESTION.

MR. MOORE asked the Under Secretary of State for Foreign Affairs, Whether it is true that Her Majesty's

Ambassador at Madrid is about to be recalled; whether Colonel Connolly, Military Attaché at Paris, is about to be despatched to the Coast of Spain to watch the operations of the Carlist War; and whether he could inform the House what is the object of the alleged mission of Colonel Connolly?

MR. BOURKE: Sir, in answer to the hon. Gentleman, I have to state that the rumours alluded to in his Question are unfounded. It is not the intention of Her Majesty's Government to recall the Minister from Madrid, whose duties have been performed to the entire satisfaction of Her Majesty's Government; and it is not the intention of Her Majesty's Government to despatch Colonel Connolly to the Court of Spain. Therefore, under these circumstances, the further explanation asked for is not required.

TURKEY—MOLDAU-WALLACHIA AND SERVIA.—QUESTION.

MR. ASHLEY asked the Under Secretary of State for Foreign Affairs, Whether any proposal has been made for a Conference, like that of 1871, on the question now pending between Turkey and the three Powers of Austria, Germany, and Russia as to the right of the Principalities of Moldau-Wallachia and Servia to negotiate Treaties independently of the Ottoman Porte; and, if any such proposal is on foot, whether the Papers on the subject in dispute, promised by the Secretary of State, will be laid before Parliament at the earliest convenient date?

MR. BOURKE, in reply, said, that the idea of a Conference was at one time mooted by the Porte, but it led to no practical results. There was no such question at present before the Courts of Europe; and it was not desirable therefore for the present to lay any Papers on the subject on the Table.

EDUCATION CODE (SCOTLAND)—THE GAELIC LANGUAGE.

QUESTION.

MR. MACKINTOSH asked the Vice President of the Council, Whether, in deference to the general feeling which prevails throughout the Gaelic speaking districts of Scotland, he will amend the Scottish Education Code, now upon the Table, by providing that where School Boards may so resolve, the Gaelic lan-

guage be recognized, treated, and dealt with as a special subject of instruction?

VISCOUNT SANDON: Sir, provision now exists under a former Code for testing the intelligence of children in districts of Scotland where Gaelic is spoken by requiring them to explain in Standards II. and III. the meaning of the passage read. A somewhat similar provision has been introduced into the Code respecting Welsh in Wales. Beyond this, the Government is not prepared to deal with Gaelic as a special subject of instruction, and, therefore, to give a special grant for it.

EDUCATION (SCOTLAND)—PUPIL TEACHERS.—QUESTION.

MR. LYON PLAYFAIR asked the Vice President of the Council, Whether he intends to add to the Scotch Code the same provisions for allowances to pupil teachers as those in the English Code?

VISCOUNT SANDON: Sir, it is our intention to give Scotland the benefit of the grants of 40s. and 60s. to pupil-teachers on passing satisfactory examinations, and it has always been the intention of the Lord President and myself that such should be the case as soon as certain other changes were made in the Scotch Code; but I must, at the same time, mention that, on extending this grant to Scotland, we shall think it necessary, in the interests of education, to introduce a provision in the Code similar to that we have placed this year in that for England, whereby a part of the grant for class examinations is made to depend on a certain percentage of children being presented in the upper standards. The time, however, of the introduction of this provision must, as my right hon. Friend will agree, be made to suit with the somewhat later period which we are about to assign for the commencement of the change of system in English schools.

INDIA—ROMAN CATHOLIC CHAPLAINS.

QUESTION.

MR. O'REILLY asked the Under Secretary of State for India, Whether the new regulations relative to the position and pay of Roman Catholic chaplains to troops in India, which were stated last year to be under consideration, have been decided on?

LORD GEORGE HAMILTON : Sir, a despatch was received from the Government of India, dated August 18, 1874, in which we were informed that the Government of India were inquiring into the subject, and were prepared to modify the present system if upon inquiry they found it necessary to do so. Since then we have received no further communication, and I am afraid that I, therefore, can give no definite information as to whether or not the present regulations have been altered.

EDUCATION DEPARTMENT—THE NEW CODE (1875).—QUESTIONS.

SIR JOHN KENNAWAY asked the Vice President of the Council, Whether after consideration of the representations made to him in the Debate upon the New Education Code (1875), he is prepared to make any alterations; and, if so, whether he will state them to the House?

VISCOUNT SANDON : Sir, owing to the adjournment of the other branch of the Legislature, I am unable to lay upon the Table the alterations made by the Lord President and myself in the Education Code. I therefore think it may be for the convenience of hon. Members, some of whom have had much correspondence on this subject, if I state very shortly and succinctly the changes determined on in this Code. They have been so determined, after much consultation with gentlemen acquainted with the subject in all parts of the country, and I may say, on behalf of the Lord President and myself, that we are both surprised and gratified to find that the objections to the New Code resolve themselves into so small a number. Under these circumstances; the changes made in our proposed Code are not large and do not affect its principle. We have added a note under 19 A 3 by which the Inspector will be instructed not to interfere with any method of organization adopted in a Training College under inspection, if it is satisfactorily carried out in the school, and it is also explained in a note that under "Discipline" the managers and teachers will be expected to satisfy Her Majesty's Inspector that all reasonable care is taken in its ordinary management to provide for the general character and moral government of the school. In

19 B 3 a change is introduced to meet the case of the temporary severe pressure upon both voluntary and board schools both in town and country, by the large number of untrained children, who, many at a late age, are being brought into them by the operation of compulsory bye-laws and the various Labour Acts. These children being generally entirely untaught require more attention and labour than others; and to provide for this state of things, which I think we may consider temporary, it is arranged that till March 31, 1878, a grant will continue to be paid for a scholar who passes in only one subject for that one pass. This change becomes additionally necessary, as we have thought it desirable in the interest of the children to insist on the presentation for examination, as far as possible, of all who have made the requisite attendances. As to the Clause 19 C 6, respecting which many representations have been made to us, whereby a deduction of 2s. per head was proposed to be made from the grant of 4s. per head on the new class examination, unless 40 per cent of the scholars were presented under Standard IV. or upwards, we have felt bound to consider the expressions of opinion coming from hon. Members of experience on both sides of the House, from experienced Inspectors, as well as from voluntary schools and school boards, both rural and urban, that we had aimed too high in this particular. Considering also that this general opinion was confirmed and pressed upon me by my right hon. Friend (Mr. W. E. Forster), we have felt it right to lower somewhat our requirements, though we cannot consent to abandon the provision altogether, whereby a condition is attached to this grant which we believe will be a most valuable agent in promoting the better education of the children, and giving an incitement to the teacher to advance them properly from an early age. We propose, therefore, that the operation of this and of most of the other important changes in the Code, represented by Nos. 17 (d), 19, 21 (a), 22, 28, 29 (b), 108, and 109 should be deferred from August 31, 1875, to March 31, 1876, so as to give the teachers and managers ample time to prepare themselves and their scholars for the change of system. For the year after March 31, 1876, 20 per cent—instead of

40 per cent—will be expected to pass under this article; for the next year, 1877, 25 per cent; and for 1878, 30 per cent. As to the Standards we have, I hope, made several improvements. We have slightly diminished the number of lines to be learnt, and have made a change much desired by all the associations of teachers, whereby history and geography may be grouped in such a way as to enable the scholars under Standards IV., V., and VI. to be taught and examined as one class. With respect to article 19 D, whereby special grants of £10 or £15 were made to schools with populations under 300 and 200 souls, to meet the unequal pressure upon these small schools, whether voluntary or board, of the requirements of our improved education as regards teachers, &c., we have found our wording failed to meet the real cases of need. We have, therefore, substituted the following clause for that in the new Code:—

“D. The sum of £10 (or £15), subject to a favourable Report from the Inspector, if the population within two miles by road of the school is less than 300 (or 200) souls, and there is no other public elementary school with sufficient accommodation for such population within three miles of the school.”

Hitherto little provision has been made for the small schools of about 15 scholars in remote villages of less than 100 souls out of reach of any other school, and for which a regular certificated teacher is impossible, and a young girl pupil teacher unsuitable. To meet this want we propose to apply section 59 (a) to these little schools, so that women, approved by the Inspector as efficient teachers, may in these special cases be employed. To meet the various requirements of different localities as to evening schools, we propose that, instead of insisting upon 40 attendances, we should insist only on 40 hours' instruction; but, as I said before, the changes as to evening schools, which will come into force next autumn, we consider only tentative. I regret that in the present condition of night schools, and considering the various difficulties connected with inspection, we have not seen our way to introduce, as my right hon. Friend (Mr. W. E. Forster) suggested, the extra subjects into these schools. I am happy to say that we have been able to arrange that under the varied provisions of the Labour Acts, children must pass in the

three subjects of the Standard, the passing of which entitles them to a certificate. A slight alteration has also been made in the subjects required from pupil teachers, and a slight diminution in the language requirements under extra subjects. The opportunity has been taken of making one or two other unimportant but useful working changes. Considering, then, the large alterations which we have thought it right this year to make, and our conviction that in the interest of education the Code should be altered as little as possible for some time to come, we have thought it right to welcome criticisms upon our new Code, and, after carefully weighing them, to make such changes as seemed desirable at once this year, in accordance with former precedent. These alterations have now been finally passed by the Committee of Council, and we have every reason to believe that, while we meet the views of many of the most valuable Inspectors, of leading members of school boards, of clergy of much educational experience in purely rural as well as in town districts, and also of the most qualified and thoughtful teachers of country and town schools, we shall attain the object we have kept steadily in view, of improving and giving fresh life to our system of elementary education.

MR. W. E. FORSTER asked when the alterations would be laid on the Table?

VISCOUNT SANDON said, the only reason for not laying them on the Table now was the adjournment of the other House; but directly after the Recess he hoped to present them.

MERCANTILE MARINE—COASTING VESSELS—BOATS AND RAFTS.

QUESTION.

DR. CAMERON asked the President of the Board of Trade, Whether his attention has been directed to the serious loss of life occurring in cases of the shipwreck of coasting vessels through the inadequacy of their supply of boats; whether the Board of Trade have had brought before them any form of boat by the general adoption of which this loss of life might be reduced to a minimum; and, whether they purpose taking any steps to ensure its adoption in future?

Viscount Sandon

SIR CHARLES ADDERLEY: Sir, the attention of the Board of Trade has been directed to the loss of life occurring in small coasting vessels which have foundered. The Board of Trade have had submitted to them a form of raft invented by Mr. Holmes, the adoption of which by small coasting sailing vessels they trust will conduce to saving life.

MERCHANT SHIPPING ACTS—OVERLOADING.—QUESTION.

MR. PLIMSOLL asked the President of the Board of Trade, What result followed the stoppage, at 3.30 a.m. on Saturday, the 13th, of the steam ship "International," loaded with telegraph cable, and which was stopped at his (Mr. Plimsoll's) instance; and, if he will say what was the result in each of the three other cases stopped at the same time at the instance of the Marine Secretary?

SIR CHARLES ADDERLEY: Sir, the hon. Member brought to the Marine Assistant Secretary of the Board of Trade at 3 A.M. on the 13th—[*Cheers*—] yes, it was very much to the hon. Member's credit—a telegram he had received from a seaman, dated 4.30 the evening before, reporting that the *International* was overloaded. A telegram to the same effect came from the insurers to the Board of Trade the same day. The first information was acted on immediately by telegram, and the ship was stopped and lightened by one foot on the freeboard after survey by two most competent surveyors. Three telegrams were received the same night, one about the *Gazelle*, but she had left the port of Shields before she could be detained. The second about the *Nuphar*, which was detained, lightened, and properly trimmed. The third, about the *Elisabeth*, which was detained.

THE BOARD OF TRADE—NIGHT ATTENDANCE.—QUESTION.

MR. PLIMSOLL said, he hoped that, under these circumstances, the right hon. Gentleman would be able to qualify in some degree the Answer he gave yesterday, and would therefore ask once more, Whether he will consider the advisability of keeping some officer in attendance at the Board of Trade Offices in Whitehall during the night, to act immediately upon such telegrams as may

arrive from Board of Trade Surveyors at the Ports, asking for instructions in cases in which ships are apparently dangerously overloaded and which are about to go to sea in that condition?

SIR CHARLES ADDERLEY: I am afraid, Sir, I can do no more than repeat my Answer of yesterday. The office-keeper and porter remain at the Board of Trade at night, and receive any night telegrams, and, as a general rule, forward them to the officer responsible for the subject of the telegram. It would be impossible for such responsible officers to be themselves every night at the Board of Trade to issue instructions to surveyors. Nor could a mere telegram, which did not contain the particulars, be generally acted on immediately to take so serious a step as the stopping of a ship. To stop a ship on a report of over-loading is a more difficult and delicate matter than the hon. Member seems to think. Nor could the Collectors of Customs be at hand all night for the purpose. But I may tell the House that appointments are being made of a superior class of Superintendents of Surveyors at the principal ports, who may be trusted in special cases to stop a ship without first referring to the Board of Trade.

LICENSING ACTS, 1872-1874—PETERBOROUGH MAGISTRATES.—QUESTION.

SIR WILFRID LAWSON asked the Under Secretary of State for the Home Department, Whether he is aware that at Peterborough the magistrates have granted to the keeper of an inn an extension of hours for the sale of drink on Good Friday; and, if so, whether there is any provision in any Licensing Act which warrants such magisterial action?

SIR HENRY SELWIN-IBBETSON, in reply, said, that he had not been able to verify the statement embodied in the hon. Baronet's Question, and could not say whether the magistrates had granted the extension referred to or not; but if it was the case, he would point out that under the Licensing Act of 1874, Good Friday and Sunday were placed on the same footing. On the other hand, a section in the Act of 1872, under which occasional licences were granted, was expressed in general terms, and under that section the magistrates had absolute discretion to grant licences for all

days. If, therefore, the licence mentioned by the hon. Baronet had been granted, it seemed to be in the discretion of the magistrates to do so; but he had heard of no similar case.

COMMITMENTS FOR CONTEMPT OF COURT.—QUESTION.

Mr. WHALLEY asked the Secretary of State for the Home Department, with reference to penalties inflicted by Judges of the Superior Courts for contempt of court under misapprehension, Whether he will cause inquiry to be made into the fines and imprisonment inflicted by the Judges in relation to the Tichborne trial for contempt of court, in accordance with the Petitions presented to this House from Peterborough and various other places?

Mr. ASSHETON CROSS: Sir, the hon. and learned Member for the Denbigh Burghs (Mr. Watkin Williams) is going to move for certain Returns relating to commitments for contempt of court; and the better course for the hon. Gentleman will be to make what Motion he thinks proper on the subject when those Returns are laid on the Table.

MERCHANT SHIPPING ACTS—THE "NUPHAR."—QUESTION.

Mr. MACDONALD asked the President of the Board of Trade, If his attention has been called to the "Nuphar," which sailed from North Shields, laden with coal, with only 2 feet 3 inches of clear side (instead of at least 4 feet), and having 18 feet 2 inches depth of hold; and if any and what steps were taken to prevent her sailing in that state?

SIR CHARLES ADDERLEY, in reply, said, the *Nuphar* was one of the three cases he had already mentioned. This vessel was detained and lightened.

IRELAND—ATTEMPTED MURDER AT MITCHELSTOWN.—QUESTION.

SIR EDWARD WATKIN asked the right hon. Gentleman the Chief Secretary for Ireland, Whether he has received any information with regard to a report in the "Pall Mall Gazette," that an attempt was made yesterday to assassinate Mr. Bryan, land steward to Mr. Nathaniel Buckley, formerly a Member

Sir Henry Selwin-Ibbetson

of this House, at Mitchelstown, near Tipperary.

SIR MICHAEL HICKS - BEACH: Sir, I have received a telegram on the subject, and I regret to learn that the gentleman in question has been fired at and wounded.

ARMY—ADJUTANTS OF RESERVE FORCES.—QUESTION.

CAPTAIN MILNE HOME asked the Secretary of State for War, Whether it is true that Adjutants who, by the new system, were appointed to the Reserve Forces for five years received a lower rate of pay than those who served under the old regulations; also whether Adjutants in Volunteer corps could claim travelling expenses, whereas Adjutants in Militia regiments must defray their own; and whether he proposes taking steps to place all Adjutants of the Auxiliary forces on the same footing as to pay and allowances?

MR. GATHORNE HARDY: Sir, the new Adjutants will not receive lower pay than the old ones. The question of allowances is under consideration, and, as I have only a few moments previously received the hon. Gentleman's Question, I had rather not go into the subject at present.

PEACE PRESERVATION (IRELAND)

BILL—[BILL 77.]

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.*)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [22nd March], "That the Peace Preservation (Ireland) Bill be now read a second time;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "this House disapproves of the imposition or maintenance of exceptional legislation, except in those cases where urgent grounds, proving the necessity of it, have been clearly shown; and that sufficient grounds for the maintenance of any exceptional legislation have not been proved to exist at present in Ireland,"—(*Lord Robert Montagu*),

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. CALLAN rose to renew his opposition to such legislation for his country as was embodied in the Bill before the House. Some years ago, when a similar measure was proposed, he had the honour of seconding an Amendment moved by the late Mr. G. H. Moore. The circumstances then were very different, for at that time Ireland was in a state at least to cause alarm; whereas at present peace and quietness prevailed in the land. He thought it right now to renew the protest he had made on that occasion. It had been stated last night by the right hon. Gentleman the Chief Secretary for Ireland that no memorials had been presented to the Government for the liberation of "Captain Duffy." But he (Mr. Callan) could affirm without fear of contradiction that a memorial, whether it had been presented to the Lord Lieutenant or the Chief Secretary or not, had been signed with that object; what was more, it had been acted on, and the notorious "Captain Duffy" had been liberated. The hon. Member for West Gloucestershire (Mr. Plunkett) had declared that the ordinary laws were insufficient for the proper government of Ireland; but he had failed to adduce any facts in support of such a statement. No such facts, he (Mr. Callan) felt persuaded, could really be brought forward. On the contrary, it could be easily proved that the country was in a condition to be altogether freed from these restrictive measures. They bore with peculiar hardship often in places where they were least deserved. It had been stated by the right hon. Gentleman that licence to carry arms was granted at the discretion of the properly-constituted authority, the resident magistrate. But in the county of Louth, which had 2,400 registered electors, there were not 50 of the county farmers who had the right or licence to carry arms over their own land. So much for the discretion of the properly-constituted authorities. The Bill before the House was in every respect most vexatious, and consequently most objectionable, and could only be justified by the fact of Ireland being in a disturbed condition. That was not so, as he knew from his own experience. He had during the last month been on Circuit in Louth, Monaghan, Armagh, and two other counties, embracing a population of 700,000, and no serious

case was tried at the Assizes, save one murder case arising out of a family dispute and totally unconnected with agrarian crime. Where, then, was the need of again imposing these restrictive laws? In every one of those five counties the Judges congratulated the Grand Jury on the absence of serious crime, yet the county of Louth was under special proclamation. It was penal to carry arms, and the peaceful inhabitants were liable to have their houses broken into by special warrant in a search for arms. That was surely not the proper way to govern Ireland! He would not have pressed his objection to the Bill had the Chief Secretary given an assurance that its provisions would not be applied to counties that were peaceful and orderly; but as it was he would have to give the measure his strong opposition.

MR. LESLIE said, the Gentlemen who sat on the Opposition side of the House claimed to represent the people of Ireland in opposing the Bill. He, too, claimed to speak the voice of a portion of the people of that country upon the subject, but it was not the voice of those who sat opposite. He granted that the hon. Member for Meath (Mr. John Martin) and his Colleagues represented the majority in this matter; but in dealing with such a question it was their duty to bear in mind who it was that formed the minority. The minority were the leaders of progress in Ireland. They were the principal promoters of the industry of that country. They were the chief creators of the material wealth of that country. They were, in fact, the leaders of the van of civilization in Ireland. He had listened to the calm, impartial, and conciliatory statement of the Chief Secretary with the highest satisfaction; and he thought there would have been a general approval of this measure among Irish Members, especially after the withdrawal of the Press clauses, in which, as it appeared to him, the right hon. Gentleman approached the utmost limit of prudence rather than give a shadow of excuse for the charge of oppression. The hon. Member for Youghal (Sir Joseph M'Kenna), when discussing the other night the incidence of taxation, asked how they could wonder that disaffection existed in Ireland when they overtaxed the people; but last night they heard

the same hon. Gentleman declare he did not believe that disaffection existed at all in Ireland. In considering whether these Peace Preservation Acts were necessary they must ask themselves whether disaffection really existed in Ireland. Everyone knew very well that it did. But while he thought the Bill necessary, he thought it was a misfortune that it should be necessary to define any specified time at which the Acts should expire. It was impossible to define the exact time at which crime and disaffection would cease, and until they knew that how could they tell when the operation of the Acts should cease? He did not envy the noble Lord the Member for Westmeath (Lord Robert Montagu) the position he now occupied. Having, in 1870, voted in favour of the Peace Preservation Act, he now moved this Amendment. The noble Lord had paid too high a price for the distinction of representing the county of Westmeath; it was evident to him that an encroachment had been made on his mental and moral freedom. As for himself, he would cling to the party of order. He believed that the party of order in Ireland approved of the Bill, and he would, therefore, cheerfully vote for its second reading.

MR. O'CONNOR POWER was of opinion that the noble Lord the Member for Westmeath (Lord Robert Montagu), in adopting the course he had thought fit to adopt, and by moving his Amendment, had shown that even an Englishman, when he studied the subject with a mind free from national prejudices, could see that Ireland was not fairly treated by this country. He (Mr. O'Connor Power) believed also that discussions of this kind were productive of great good, because they enabled the House of Commons to investigate the position of the different classes which made up the Irish nation. The chief misfortunes of Ireland were due to the landowners and the magistrates, who were selected from the landocracy, and they were now in a minority because the people believed they could not be trusted with the destinies of Ireland, and because they had availed themselves of the Ballot to express their preference for men who had become eminent by their own industry and ability. Speaking in the House of Commons nearly 30 years ago, in 1847, at the time of the Famine, the hon.

Mr. Leslie

Member for Sheffield (Mr. Roebuck) produced what was described as a "sensational" by referring to the Irish landlords, for whom, he said, the British Parliament had been legislating for 300 years; and during that time, he continued—

"They had been legislated for, as a body, against the people of Ireland. They had wrought always for their own personal purpose, unmindful of the wants of the people of Ireland."—[3 *Hansard*, lxxxix. 111.]

And yet these were the men who according to the hon. Member for Monaghan (Mr. Leslie), represented Irish interests, and who declared that if Parliament would do what they wanted, Ireland would become a land flowing with milk and honey, and the Emerald Isle the brightest gem in the Crown of the British Empire. The people of Ireland had rejected their leadership, and they were now in a minority. At the time of the Famine, so far from making any attempt to remedy the grievances of the Irish people, the landocracy assembled together at a large meeting in Dublin and projected an elaborate scheme for the wholesale extermination of the Irish people, and they resisted an excellent measure brought forward by Lord George Bentinck, and intended to develop the resources of Ireland. He resented coercive legislation as a galling insult to his country, because it conveyed to Europe and America the notion that the people of Ireland were in a savage state, and that it was necessary to destroy the Constitution in order to preserve the public peace. Were they to allow legislation on such statements as were made by the Chief Secretary—statements which no witness cared publicly to substantiate, statements which were supplied by the police, and by magistrates many of whom had been properly described as being bankrupt in character as well as in fortune? What would be thought in England if the Government proposed to legislate on statements made by magistrates without reference to the opinion of the people's elected Representatives? Such a proposal would elicit protests from a thousand platforms, and would seal the fate of any Government by whom it should be submitted. Irish Members were elected that the Irish people might participate in the British Constitution, which was forced upon them by English bayonets, and now they

were refused the exercise of their rights lest Ireland should attain to too great prosperity. The whole history of Irish legislation was based on suspicion and distrust; but peace, loyalty, and contentment might be purchased by the very same means and at the very same price that contentment had been purchased in other lands where good government had promoted the interests of the people. Give Ireland a land system such as that of France, Prussia, Holland, Belgium, and Switzerland—give the Irish peasantry fixity of tenure in the soil and undisturbed enjoyment of the fruits of their labour—and there would then be no necessity to propose these periodical coercion enactments. If we were determined to continue the rule of force, we must engage in a struggle against the laws of nature, for resistance to injustice was natural and inevitable. So long as Parliament was determined to prevent Irish Representatives from legislating for Ireland in their own country, upon Parliament would rest the responsibility of the disaffection of the Irish people. If Parliament would give tenant-right to the Irish peasantry and rescue them from the power of rack-rent, landlords and spendthrift absentees, it would relieve itself from the burden of the Irish difficulty as far as agrarian crime was concerned. He protested against these periodical enactments, and should therefore vote for the Amendment of the noble Lord.

SIR EARDLEY WILMOT said, he was desirous to set himself right in the opinion of the House in reference to a circumstance which occurred in the last Session. At the instance of the noble Lord the Member for King's Lynn (Lord C. J. Hamilton) the House was counted out at the end of last Session when he was about to bring forward a Motion in the interests of the naval and military services of the country. He was surprised that he should have been so dealt with by a Member of his own Party, and he was still more astonished when the noble Lord made public the statement, as a reason for counting out, that he (Sir Eardley Wilmot) was a Home Ruler, and therefore sitting behind the Government under false colours. He denied the charge, which had been made on the authority of *Dod's Parliamentary Companion*. When his hon. Friend the learned Member for Leeds called his

attention to the fact that he was described as a Home Ruler in that usually correct publication, he did not think it worth while publicly to contradict it; but he wrote to the Editor, who told him it was a printer's error, and assured him that it should be rectified in the next edition of the *Parliamentary Companion*. This had since been done; but he desired to take this opportunity of setting himself right with the House and the country. He should not be ashamed of being a Home Ruler if he held the opinions of hon. Gentlemen opposite. He respected those hon. Members, believing that they were actuated by the same patriotism and feeling of duty to their country as himself; but he objected to be accused by Members on his own side of acting in an unworthy manner. If he were a Home Ruler, he should walk over to the other side of the House. No one, however, could take a deeper interest in Ireland than he did; and he was glad it had been found possible to relax some of the restrictions which had been imposed upon that country. Still, being convinced that it was necessary to continue for a time this coercive legislation, he should support the Bill before the House. Who was to blame for this coercion? They ought to have developed the great natural advantages and resources of Ireland; but instead of doing so the arterial wealth of that country had been drained to the extent of some £4,000,000 a-year and spent in England and elsewhere. England had governed Ireland by means of the venom of party. Party feelings and animosities prevailed in the Executive of that country, and it was not surprising that the example set by those at the top had been followed by those at the base. Much disadvantage had arisen from frequent changes of the Irish Government in recent years. From the years 1830 to 1875 there had been no less than 17 Lords Lieutenant of Ireland; whereas from 1400 to 1595 there were only 25, and from 1500 to 1630 only 8 Governors of Ireland. The Earl of Sussex, in Queen Elizabeth's time, held the government of Ireland for 30 years. By the modern policy of the Governments of this country towards Ireland the prophetic utterances of the great statesman, Grattan, that separate Government, with a separate Parliament was not identification but extinction, conquest, and dishonour had been real-

ized. He called upon his right hon. Friend at the head of the Government not to lose the present opportunity of inaugurating a policy of conciliation. No great Constitutional question now agitated the country, and he appealed to the right hon. Gentleman to utilize his powerful majority in order to bring forward beneficent and conciliatory measures for Ireland. Ireland was a great, generous, and noble nation. The people had faults, but they were faults akin to great virtues, and by such a policy they might be quickened and fostered into heroic acts. He hoped his right hon. Friend the Prime Minister would take care that he approached the Irish people with measures of conciliation in one hand while obliged to carry coercion in the other, for in that case he would go down to posterity as one of the greatest statesmen of this country, and one of the greatest benefactors of Ireland. He trusted that they might still see that country happy, prosperous, and contented, with such a true union of the hearts of the people of both countries as might justify the language—

“——paribus se legibus ambæ
Invictæ gentes æterna in fœdera mittant.”

MR. REDMOND said, it appeared to him that the sentiment of the right hon. Gentleman in bringing forward this Bill was somewhat like that of the man who knocked another down, and by way of consolation told him that although the blow he had hit him was a strong one, he might have hit him a much harder blow. He certainly was ready to admit that the measure now proposed was in many respects not quite so severe as the coercion code which it was intended to replace; but then that code had never been intended to be a permanent code. On the contrary, it was a temporary law to which Parliament had assented on the condition that it should be in force for only two years, so that the people of Ireland had a right to look forward to its total remission and not to its re-enactment. Those two years had passed away, and the conduct of the country had been such as to fully entitle it to the fulfilment of the promise which had been made to it by the last Administration. His dread was that the House might become so habituated to exceptional legislation of this kind that it might, after some time, come to pass coercion mea-

asures as a matter of course. The danger which they had most to fear was that Parliament might be induced to make a too easy surrender of those rights and privileges which it was their duty as a great Representative Body to maintain and uphold. Yet when they concurred in a measure such as that before the House they practically said to the people of Ireland—“You must be faithful and obedient subjects of the Crown, you must loyally discharge all your duties to the State, and you must patiently endure all the fixed burdens it imposes upon you; but the privileges of the Constitution you must not expect to enjoy.” Was it reasonable, he would ask, to expect a friendly reply to language such as that? He was sure there was not an Englishman present who would not willingly consent to the curtailment of even some of the boasted liberties of this country if it could only be shown to him that there was a public necessity for it. That was just the case of the Irish Members; they did not hesitate to surrender their constitutional principles when it was shown that there was a necessity why they should do so; but that necessity no longer existed, and Her Majesty’s Government had not even a pretence of showing that it did exist. They had not shown the existence of any lawlessness nor any impending danger; and, as a matter of fact, the only abnormal organization existing in the country at the present moment was the Home Rule movement, the very essence of which was to win away the people from even the thought of violence. The argument of the Government was that they were responsible for the peace of the country, and they said they could not undertake to govern it unless some such extraordinary powers as those proposed in this Bill were conferred upon them; but, for his own part, he must demur to confiding such powers in the hands of any set of officials. Several hon. Gentlemen had spoken of the state of Ireland with great assumption of authority, although many of them had never seen the country; and he therefore asked if Gentlemen like himself, who resided in the country, and who were acquainted with the feelings of the people and their habits of thought, ought to be supposed to know nothing of the subject now under consideration? The county of Wexford, with which he was acquainted, had been

Sir Eardley Wilmot

now for many years under the Coercion Act; but it was now entirely free from agrarian crime, and threatening letters had not been heard of for years past. The Judges at the Assizes had uniformly congratulated the Grand Juries on the county having an almost absolute immunity from crime. Therefore, so far from Wexford being placed under unequal and oppressive laws, it should enjoy all the privileges of the most favoured part of Her Majesty's dominions. The only reasons he could imagine for the present course of legislation in reference to Ireland were that the Government were misled by false information as to the state of the country, or that they were determined, no matter what the condition of Ireland might be, that the Irish people should not enjoy the same freedom which was allowed to their fellow-subjects in England and Scotland. The fact of the matter was, that the people of Ireland knew very well these Acts did not in any way assist in the government of the country. If he wished to foster a spirit of disaffection he would give a cordial support to the measure of the Government, because he felt that it would form an admirable argument for people in Ireland to say there was no use in coming to an English Parliament to obtain their rights; but, as he desired to see Ireland happy and loyal, he called upon the Government to cease placing reliance upon police officers and rascally informers, and to trust the people themselves. He believed that if such a course were adopted, and the evil traditions of English government in Ireland cast aside, the prosperity and the permanent pacification of the Irish people would be assured.

MR. GIBSON said, he had listened with considerable surprise to the speech of the hon. Member for Mayo (Mr. O'Connor Power), who spoke with his usual eloquence, but who, from the beginning to the end of his speech, had not fairly grappled with the question. The hon. Gentleman referred to the past history of the country. He (Mr. Gibson) did not think it necessary, from his point of view, to go into that retrospect. If it were necessary to go into it, he thought it would be found that there were a great many things which ought to be forgotten, and many things which were to be regretted on both sides. It was impossible to suppose that a hard-

and-fast line was to be drawn, so that it might be said that all the good was on one side and all the bad on the other. He hoped hon. Gentlemen would not contend that there were not some mistakes on their side. Would it not be as well, with such a measure before the House, to try to forget those wretched animosities which the past had bequeathed to them, and to consider the present measure as a matter of business, although a very unfortunate business? There were two ways of meeting the question which had been introduced to their notice—one by fair and temperate argument, the other by indulging in allusions to the past which he thought could only be used—if he might say so without offence—on occasions of this kind for the purpose of eloquent declamation. The hon. Member for Wexford (Mr. Redmond) had referred to his own experience. He (Mr. Gibson) respected the powers of observation of the hon. Gentleman; but he was also a resident in Ireland, and his experience had been to say that they should not assume that this was a matter on which there was unanimity of opinion in that country. He should, indeed, be surprised if 50, or even half, of the Irish Representatives went into the Lobby against the Government; and, after all, the Division List of the House was the only means by which Irish opinion on the subject could be measured. In the face of the unanimous opinion of the English and Scotch people, and a very substantial body of public opinion in Ireland in favour of the Acts, a grave responsibility would rest upon the Government if they proposed to sweep these laws away at once and absolutely, and that merely in deference to suggestions which, so far as they had any foundation at all, were based on allusions to the past, which it was the duty of all parties to forget. No doubt the gradual abolition of this code was desirable, and in this direction the Bill made very great strides—strides as great as were consistent with prudence. What seemed to have most weight with the Irish Members who had spoken against the present very moderate Bill was the fact that it preserved certain regulations which did not exist in England, and it was said that this should operate on the minds of the Government. But if his hon. Friends appealed to history in support of their case, he could

also appeal to history to show that between England and Ireland there was a great social and economic distinction. In England for over a century there had been nothing in the nature of civil war; whereas in Ireland within a period of 80 years there had been four revolutionary outbreaks—namely, in the years 1798, 1805, 1848, and 1864. These were sad circumstances to go into. He should have been glad to consider the Bill upon its merits; but when history was appealed to on the other side it was only reasonable to recall those dates, because they suggested very substantial arguments in his favour. With reference to the Act of 1870, at the time it was passed its necessity was absolutely proved. This was tested by a reference to the Division Lists, there having been 425 for it and 13 against it, which showed a majority of 412; and if the Division Lists were again appealed to, it would be found that when the Westmeath Act of 1871 was passed 163 voted for it, and only 7 against it. Surely these facts afforded proof that the great bulk of public opinion, not only in Great Britain, but in Ireland, [was favourable to the present legislation. The Bill now introduced by the Chief Secretary did not propose the continuance of that legislation at all. On the contrary, it suggested the continuance of one of the Acts for only five years, and another for two years; and it must be remembered that although the Bill proposed the continuance of those Acts for a certain period, there was contained in the Acts themselves a power of remission by gradually revoking the proclamations; and he believed it was the intention of the Government to watch their opportunities and to revoke the proclamations whenever a chance offered, and he hoped that, before the five years in the one case, and the two years in the other, had elapsed, these Acts would have practically ceased to be in operation in any part of Ireland. The House had heard a good deal about the government of Ireland in accordance with Irish ideas, and his hon. Friends below the Gangway on the opposite side were very glad to avail themselves of that view to obtain the passing of the Irish Church and Irish Land Acts. Was it unreasonable, then, to suggest to them that there might be differences between the state of Ireland and England which would render restrictive legisla-

tion properly applicable to the former, though not to the latter? The noble Lord the Member for Westmeath (Lord Robert Montagu), indeed, stated that while in 1870 the number of agrarian outrages in Ireland was 1,329, it had fallen in 1874 to 213. Well, that was a very good argument in favour of the relaxation of restrictive laws, but that relaxation was proposed by the Government in the Bill under discussion. The noble Lord appeared to forget that not a little of the diminution of agrarian offences of which he spoke was to be attributed to the operation of the Act of 1870, and that the fact that the diminution commenced immediately after the passing of that Act furnished a good ground for urging that a measure which had produced such results ought not to be at once abandoned. He could quite understand the feelings of hon. Members opposite when it was proposed to continue the Acts in the ordinary way, but it was a very different state of things this Session. Last year what was continued was the old code of 1870 and 1871; but in the Bill now introduced the Whiteboy code was entirely abandoned, and the power to issue search warrants was decidedly diminished. For the future no search warrant was to exist for more than 21 days, instead of for three months, and the right to arrest suspicious persons was entirely given up. Such arrests were in future to be made according to the ordinary operation of law. The power to arrest strangers at night and to close public-houses by the mere order of the Lord Lieutenant was given up, and the proceedings before magistrates were changed in essential particulars. A power of appeal was also given. Resident magistrates were also dropped out of the summary procedure clauses of this Bill, and it was left to the ordinary petty sessions bench to administer the jurisdiction. Moreover, the Act of 1870 enabled the Attorney General for Ireland *ex officio* himself to suggest a change of the *venue*, while under the present Bill it was left to the Court of Queen's Bench to make the change whenever it was satisfied that ought to be done. There was another relaxation which, in his opinion, ought to have great weight with his hon. Friends opposite, and that was the complete and absolute removal of all restrictions on the Press. What was

chiefly complained of last year was the arbitrary power of arrest and the restraint upon the Press, but such objections could not be urged against the present Bill. After the passing of this measure no person could be arrested in Ireland except by the ordinary operation of law, whilst the Press would be as free in Ireland as it was in any other part of the Empire. In his opinion, everything had been given up that could by possibility be given up, and the very smallest amount of legislation had been retained that could be retained if they were to continue anything at all. What was it that had been retained in the present Bill? The Westmeath Act of 1871 could not in any proper sense be regarded as having any connection with the legislation to which his hon. Friends opposite so strongly objected, because that code was an exceptional police statute, rendered necessary by the Ribbon conspiracy—that dark, cowardly organization which had nothing in common with true patriotism. [“Hear, hear!”] He was glad his hon. Friends opposite acknowledged the justice of that statement, for he was sure that men whose private character was above suspicion would not pollute the name of patriotism by admitting that it had any connection with the hideous code which did not stop short of assassination. The Preamble of the Westmeath Act, he further contended, contained its own justification, for it recited the history of a society whose existence and whose crimes furnished its best justification. That society had carried on its operations for nearly a century, and the facts which had been revealed with respect to its action before an influential Committee in 1871 had been the foundation of the Act of which the noble Lord seemed to complain. Now, would it not, he would ask, be rash to assume that the vitality of a society which had existed so long, which had outlasted the Rebellions of 1798 and of 1848 and the events of 1864, which had not been overcome by the Famine and remained unrooted out by 10 years of emigration, had become all at once absolutely eradicated? The noble Lord said that this should be done because crime had diminished within the last three or four years; but it should be recollected that crime could be diminished either by reformation or by terror. The

existing code was said to be one of terror; but surely the noble Lord, in making use of that argument, cut the ground from under his own feet! Surely it was more probable that crime had been rendered dormant during the last three and a-half years by terror rather than eradicated by reformation. In 1871 the noble Lord himself voted for that Act, which was then necessary to protect, not property alone, but life, in Westmeath; and now the noble Lord asked a Government responsible for the lives of people of those districts rashly to assume that all those terrible agencies of crime had been entirely extirpated. He now turned to the remainder of the Act. Section 13, which was retained, gave power wherever a felony or a misdemeanour had been committed of summoning persons to give evidence. That was only a reasonable improvement in the criminal law. It existed, he believed, in Scotland. Where a felony had been committed why should a man, if he knew about it, and there was no privilege to cover him, shrink from giving evidence before a constituted tribunal? Such a person ought to be liable to be summoned and to state all he knew of the facts. Then the 38th section was retained, and ought always to be retained, in the law of Ireland. It was this—that if a witness in a criminal case was about to abscond, there should be means taken to prevent him from absconding, and he thought that if this Act was allowed to expire, this section at least should be kept always in operation as part of the criminal law of the country. He had pointed out what was given up and what was retained, but he would not enter into minute particulars. Let them look at Section 39, which gave compensation to the relatives of those who had been the victims of agrarian murders. Was not that an admirable law? It embodied one of the oldest principles of the law of this country; but it could not be granted without all the elements of the cases being proved by legal evidence. Why should not the family of a victim have compensation? Agrarian murder implied concert and, to a certain extent, conspiracy; and where such elements existed—and their existence must be proved to the satisfaction of the Judge of a Superior Court—that section operated both to compensate the family of the victim and

also as some little punishment of the locality, which, at all events, was honoured by the residence of the parties to the agrarian murder. The hon. Member for Roscommon (the O'Connor Don), and Longford (Mr. O'Reilly) spoke of that as an innovation; but it was one of the oldest and most familiar principles of our law, and went as far back as Anglo-Saxon times, when the system of frank-pledge prevailed. Moreover, at almost every Assize in Ireland compensation was given for malicious injuries and injuries caused by tumultuous assemblages; and if they compensated the loss of property and taxed the district for causing it, why should they not equally tax the district that was answerable for the murder of the head of a family? This Bill had been called a desperate and an atrocious one, and he dared to say it would be called so again. But what did it come to in the end? These clauses were certainly excusable and defensible. Then, as to the restriction upon an indiscriminate carriage of arms. Now, was there such a restriction as should cause those observations which the House had been obliged to listen to? In England it was not the absolute right of everyone to go without question into a gunmaker's shop and walk out with a gun. A person must get a licence, which implied a power of registering the names of those who had a licence, and that was to a certain extent a check on the indiscriminate purchase and use of arms in England. That, he admitted, was a different thing from the restrictions that existed in Ireland; but, apart from sentiment, he was not sure that it was now very necessary or desirable to have the power of carrying arms generally and indiscriminately extended to a people so excitable as the Irish, among whom faction fights had not utterly died out. At fairs and markets not unfrequently "rows" were got up, in which by the use of their "blackthorns" people were able to administer sufficient punishment to one another without having recourse to any more deadly weapons. There was not an Assize held in Tipperary at which dockfuls of fine young fellows were not sent to prison for getting into little encounters of that kind; and he had heard that in one of the largest baronies of that county there was not one entire skull. In objecting, therefore, to do away all at once with the present re-

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strictions on the use of arms he was not at all disparaging his own country, which in respect to ordinary crime would compare favourably with England. Indeed, if in Ireland they sometimes wanted a proclamation against arms, in England there might advantageously be an occasional proclamation against boots. The only restriction in the Bill was really one against carrying arms; it was to continue only for five years, and long before then it would be taken off if possible. He should be glad to have this legislation carried out without any attempt to set class against class; and he had been sorry to hear the noble Lord the Member for Westmeath appealing as he had done to the past and speaking of an alien magistracy. Those magistrates lived among the people, their fathers had lived among them, and their children had been born among them. Although many of them were not of the same religion as most of the people, this could not be regarded as a justification of the harsh terms which had been used. It would be well, instead of dwelling so much upon the past, to think a little more of the living present. It had gratified him to read in *The Times* of that morning the following generous and noble words:—

"When Irishmen consent to let the past become indeed history, not party politics, and begin to learn from it the lessons of mutual respect and tolerance, instead of endless bitterness and enmity; then, at last, this distracted land shall see the dawn of hope and peace; and begin to renew her youth and rear her head amongst the proudest of nations."

These were the words of John Mitchel—*De mortuis nil nisi bonum*. He ventured to think that the "dawn of hope and peace," of which Mr. Mitchel had spoken, had now begun; and, although not of a very sanguine disposition, he looked forward to the day, and believed it was not far distant, when the fulfilment of those generous hopes would be witnessed.

Mr. SULLIVAN said, he thought the House must have listened with pleasure to the first speech of the hon. and learned Member for Dublin University (Mr. Gibson), and, though they might belong to opposite sides of the House, he could assure him that in no section of that Assembly had it been listened to with greater pleasure—apart from the arguments it contained—than it had been by the hon. Members around him.

He was sorry that the evening's debate should have been preceded by a dramatic display—he hoped, not arranged between the Irish Secretary and the hon. Baronet (Sir Edward Watkin), who rose behind them to impart a lurid hue to their discussion of the Bill, by asking, amid murmurs and sensation, whether it was true, as stated in *The Pall Mall Gazette*, that there had been an attempt of agrarian murder in Ireland yesterday or to-day. They knew what would be the effect of that melodramatic procedure, and though many of his Friends around him (Mr. Sullivan) could have given a very effective counter-thrust, they thought they might let the matter pass. They might, for instance, have asked the hon. Baronet, who rose to put the Question, whether he did not resemble the man who could not see the beam in his own eye, though he could denounce the mote in his neighbour's, seeing that—as they might also have asked the Home Secretary—four murders in England were reported on Monday alone.

SIR EDWARD WATKIN explained that he had spoken to the Irish Secretary but once in his life, and that was at a dinner-party about a month ago. He had had no communication whatever with him about the Question to which reference had just been made. The fact was, simply, that the good landlord and generous man whose agent had in a dastardly way been shot was a friend of his, and the circumstances of the case had in consequence come to his knowledge.

MR. SULLIVAN said, he had not stated that the Chief Secretary and the hon. Baronet had arranged the Question together; but it was fair for him to presume that what was usual in such circumstances had been done. ["Oh."] Well, it was usual to give a Minister at least private Notice of a Question that was to be put to him; and if the hon. Baronet was so eager to thump down Ireland that he could not follow that usage, he must be content to take the consequences of his presumption. The Home Secretary might be asked whether it was true, as reported in *The Times*, that a man in England had cut from ear to ear the throat of the woman whom he had vowed at the altar to love and cherish; and whether it was also true, as reported in the same journal, that another man had murdered his father

and mother? Such acts did not seem to impress hon. Members deeply; but when a land agent was killed or wounded it was thought to be something extremely wicked. Really, that little prelude of the debate was unworthy of the occasion, and induced them to ask whether they could not have a debate on a Coercion Bill, without having such elements introduced into it? He did not think Her Majesty's Ministers, however, altogether welcomed this imputation, and he must frankly admit the supporters of the Bill on the part of the Government had abstained from indulging in that class of argument. He was sure the Government would rather have done without that Coercion Bill; but they found it on the Statute Book, and a party needed a great deal of education before they could be made to take the necessary course in an era of coercion for Ireland. It was quite true that the code which it was now proposed to enact was less severe in some respects than the one which in a few months would expire; but he maintained that they were now discussing the enactment of a new law, and not the modification of an existing one. The Bill ought to be judged by what it contained within its four corners, and not by comparison with Acts which would be dead in a few months. There was just one answer to opponents of the Bill that ought to have been made, if it could have been made, but which had not been made because it could not. If it was true, as it was asserted by hon. Gentlemen who defended the Bill, that it would only affect the guilty and the criminal, and not the innocent and law-abiding citizen, why not adopt the policy of the Chancellor of the Exchequer, and deal alike for the three parts of the Kingdom with the same classes of offences, wherever they were found? Why not make the crime of murder alike for the three parts of the Kingdom, and let the district which had most murders suffer the most? If it was so harmless and so useful, why hesitate to pass it for England? And that was the place to explain the too tender susceptibility of Irish Members. It had been asked why could they not discuss the Bill as calmly as the Artizans Dwellings Bill? Their answer was this—that so long as a single statute existed that branded their country as needing more repression than England or Scotland, so long would they regard con-

ciliation as an object of scorn, and indignation as a virtue. But there was, besides, in that legislation a wound to Ireland as well as a positive insult. Let them lay on their country the same repressive enactments as they provided for the rest of the country, and they would hear no mere objections to their laws. Let them lay on the rest of the Kingdom the same restrictions on the possession of arms, or on being out after Curfew, and let the murderer take the same chance wherever he was found in the three parts of the Kingdom, and they would hear from Ireland no word of complaint. But so long as, by a single Act or a single clause, they attempted to hold forth to the world that they were a nation so given to murder, crime, and infamy, and that their much-vaunted British Constitution was insufficient to cope with them, so long, he hoped, would Members be found to rise on those benches to tell them that it was an insult to ask them to discuss such a proposition. The hon. Member for Sheffield (Mr. Mundella) asked him, "How about Sheffield?" Well, he would ask the hon. Member to study the calendar for Louth for the last 10 years, and to look at the Sheffield cases at the last Assizes. One crime tried at those Assizes he could not mention; another was a case of wounding, another crime must be nameless, and there were crimes of embezzlement, forgery, burglary, manslaughter, robbery with violence, abuse of a girl, robbery with violence again, and so on. He contrasted that with the county of Louth, which was proclaimed by this Coercion Bill. He was far from wishing, however, that the Coercion Acts should be applied to Sheffield or to any other part of the Empire; because the British Constitution ought to be the scorn of the world if it were unable to deal with these ebullitions of crime, which were worse in some parts of England than they were in Ireland. He would ask on what grounds the exceptional powers of these Acts could be continued in Ireland, and to the exclusion of England? The Lord Lieutenant of Ireland was still to have the power of sending extra constables into the proclaimed districts, and they would presently see how that worked; persons might be arrested for carrying arms without a licence, and were liable to six months' imprisonment with hard labour;

and the Lord Lieutenant could issue a warrant authorizing the police to break into a man's house and search every part of it, day or night, and even female modesty might be outraged, as it had been before under colour of this exercise of power. He wondered how English Members would like to see such a law enacted for England. He knew that it would be said that there was a benevolent despot at Dublin Castle who would prevent these statutes from being abused; but would Englishmen feel satisfied if their liberties and the sanctity of their homes were subject to the caprice of any Minister, however benevolent and well-meaning he might be? What was the excuse put forward for renewing these statutes against Ireland? They were told that secret crime was waiting to burst forth in that country, but where or how was not stated. The Chief Secretary, who had failed to lay before the House any evidence upon the subject, had treated them to a dark-lantern scene, in which he had described the dreadful things that were going on behind the white sheet, and had asserted that there was murder in the land waiting to start forward the instant that these Coercion Acts were repealed. The right hon. Gentleman had said that, if these laws were repealed, murder, assassination, crime, and outrage would rage in Ireland during the coming winter as sure as he stood in the House. Who had taught the right hon. Gentleman that? Where was his authority for making such an assertion? Why did he not produce the documents supplied to him by the magistrates? And who were his authorities? The police and some of the magistrates. To show the efficiency of the police in some districts, the hon. Member related the story of a young Englishman who came to pay him a visit some years ago, and who brought his photographic apparatus with him. They were at Kells, about to photograph a very interesting old cross, and the young man had the cloth over his head, when a policeman came up and the crowd fled in terror. The policeman said—"Come, come, sir; we allow no peep-shows here!" As to the police in Ireland, if they waited to mitigate coercion law until 184 B and his captains became defenders of Constitutional liberty, he feared they would have to wait a long time. The rural policemen believed that they knew how

to govern Ireland much better than the right hon. Gentleman himself did. Those ignorant men sent up their reports to the magistrates, and through the latter they actually influenced the mind of the right hon. Gentleman. Then, as to the magistrates, had they not asked for the Bill? There had been a great deal of avoidance on that point. He knew that in King's County a Protestant resident gentleman met one of the favoured few magistrates who were invited to consider whether the Coercion Act should be renewed, and he asked him whether he had stated that there had been no crime in their county? He replied that he had; but that as the Act had not been applied, and that it had therefore done no harm, it ought to be renewed. His friend rejoined that he thought that just the reason why it ought not to be renewed. "Ah!" replied the magistrate, "but don't you know that since the Coercion Bill was passed the game was never so well preserved in the county. We have had splendid shooting ever since." The Bill had, in fact, been asked for by the gentry, as the whole police of the country had been converted into watchers for their game, and their game could not be much disturbed if there were no guns. The unhappy alienation of a portion of the Irish magistrates from their fellow-countrymen was, perhaps, as much their misfortune as it was their fault, seeing that for a long time past they had been taught to regard themselves as being a class apart from the people and a garrison planted in the midst of a hostile population, and living in the country, but not being of it. He did not so much blame the magistrates for following the instructions they had received for more than a century; but he warned the Government that neither they nor the police were to be depended upon as advisers on the question whether or not the state of Ireland required an extension of these Coercion Bills. Why had not the right hon. Gentleman referred to the opinions expressed by the Judges of Assize? True it was that at the last Assize at Antrim the Judge had stated that a certain class of crime had increased in the district; but he had, at the same time, pointed out that that increase was in such crime only as resulted from intoxication. In Armagh the Judge said there was a slight in-

crease in ordinary crime, but it was traceable to intoxication. At Carrickfergus the Grand Jury were congratulated upon the peaceable and satisfactory condition of the county. Mr. Justice Keogh, who was never given to taking a too roseate view of popular affairs, stated in the city of Cork that the number of cases for trial was eight only, and that these were of a trivial character; while the Grand Jury of the county of Cork were told by Mr. Justice Lawson that the number of criminal cases was very small indeed. The Lord Chief Justice of Ireland said he rejoiced to be able to inform the Grand Jury of Carlow that their duties would be very light, adding that it might become a question with some enthusiastic reformer whether a portion of the County Court House and gaol might not be turned into an industrial school. At Drogheda, the Lord Chief Baron remarked upon the fact that there were only five cases to be sent before the Grand Jury. In the county Down the calendar also contained but a few cases. At Fermanagh, Baron Deasy congratulated the Grand Jury on the satisfactory condition of the county. There was a slight increase of ordinary crime in the county of Galway; but in the city the Judge spoke of the peaceable state of things which prevailed. In the county of Kilkenny there were three criminal cases only for trial, and for that coercion was to be imposed upon the country by English votes. In Kildare there was a rather heavy calendar of ordinary crimes, "arising from the vicinity of the Curragh Camp and from the public-houses." In the King's County, with a special proclamation against it, the Lord Chief Justice found that "the cases were not numerous, but they included two cases of homicide." Louth—his own county—was as stainless as any in the Empire. There were but four cases for trial, and not one of them was of a serious nature. All these were hard facts, upon which, and not upon mere rhetoric, the arguments of the Irish Members rested. At Limerick the number of cases was large; but it included no fewer than 1,652 cases of intoxication—a fact which he hoped would be remembered when next the House was asked to pass a Sunday Closing Bill for Ireland. With respect to Limerick County the learned Judge found six or seven cases only for trial, "none of them

calling for observation." At London-derry Mr. Justice Morris said that—

"With the exception of one case of murder, which furnished no indication of anything like conspiracy, the district was remarkably free from crime."

In Mayo the Judge said that it had been the good fortune of himself and his learned Colleague to be able to congratulate the Grand Juries on a peculiar absence of crime. There had been cases of personal violence, largely owing to the effects of intoxication. Of Meath, which had been described as the home of murder and of lawlessness, the Lord Chief Justice said—

"The cases for trial are 10 in number; but I am not aware that there is anything particular in them to which it is necessary to call your attention."

In Queen's County, Roscommon, and Sligo the Grand Juries were congratulated by the learned Judges on the peaceable and satisfactory condition of the respective counties. In North Tipperary the only heavy Assize was held, the calendar containing five charges of murder—

"But," said the learned Judge (Mr. Baron Dowse), "I do not find that there is anything to show that there was an organized conspiracy in the county against the lives of Her Majesty's subjects, arising as the crimes did from bad feelings between the parties."

In the county of Tyrone there were only four bills for the Grand Jury, none of a grave nature; the South Riding of Tipperary had a heavier calendar than before, but there were not more than 16 or 17 criminals; at Waterford City the Judge expressed his pleasure at having so little to do; at Waterford County the number of bills was small; at Wexford the Judge congratulated the Grand Jury; in Cavan the Judge was presented with white gloves for the third time within the year; and at Tullaghmore white gloves were also given to the Judge. These facts coming from Her Majesty's Judges were, he submitted, more important contributions to the debate than were the bugaboo stories of policemen, and in the face of the utterances of the Irish Judges he challenged the House to pass, by English votes, a Coercion Bill for Ireland. Let them contrast the charges of the Judges in Ireland with those of the Judges in England, and he said without fear of contradiction that bad as the record was

in England, and clear as it was in Ireland, no Minister of the Crown would dare to propose a suspension of the Constitution for this country on that ground. He was but expressing freely the opinions that were surging in the breasts of the Irish people when he said that they felt with respect to the proposed legislation, not so much its severity—although that was much—as the indignity, the humiliation, the wrong, the outrage, that would be inflicted on them; while for England no such measure could be proposed, although her calendars were so deeply blood-stained with crime. By passing this Bill the House would tell a highly susceptible race that a peace almost unequalled throughout Europe availed nothing to save their country from the shackles and chains which an English majority could impose on them.

SIR EDWARD WATKIN said, that as the hon. Member for Louth (Mr. Sullivan) had thought fit at the beginning of his speech to make a sensational point by alluding personally to him, he thought it his duty to say a few words in justification of the vote which he intended to give. Although he had heard many speeches like that of the hon. Member, outside that House, greeted with immense applause, he thought the hon. Member must have gathered, as he went on, that the style of oratory in which he had indulged was not that which would convince the calm judgment of that Assembly. He (Sir Edward Watkin) appealed to Gentlemen on either side of the House whether the hon. Member had grappled or attempted to grapple with any one of the close and logical arguments used by the hon. and learned Member for the University of Dublin (Mr. Gibson), who showed conclusively that there was no ground for such declamation as that in which the hon. Member for Louth had indulged. He (Sir Edward Watkin) believed there was nothing contained in the Bill with the exception of the clauses relating to the possession of arms which might not properly be extended to England, and which, if it were proposed to extend in that direction, he should feel bound to support. He believed, with the hon. and learned Member for Dublin, that these provisions were proper and wise amendments of the criminal law; and, if so, why should they not be applied to Ireland, or to England, or to any other

Mr. Sullivan

part of the Empire? As to the question of arms, we in England had the gun tax and the license for shooting, and why were these particular clauses to be applied to Ireland? Because, with all their faults, Englishmen had no Ribbonism amongst them—[An hon. MEMBER: You have worse]—because they had not taken the money of the people of the United States in order to raise up conspiracy and treason against the Queen, and because they had endeavoured to submit to the laws, believing that good laws, however severe, must bring about contentment, peace, and happiness; and although we might not like the rod, we were satisfied with the consequences of its infliction. Therefore, when the hon. Member spoke of that House having inflicted on Ireland all its wrongs, it was only fair to tell him that that House contained men whose lives, like his (Sir Edward Watkin's), had been marked by work and not by talk; and that a great part of the evils inflicted upon Ireland came from men like the hon. Member himself and those of his class, who, instead of devoting themselves to the honourable pursuit of promoting peace and harmony around them, of increasing industry, of augmenting prosperity, and of endeavouring to set an example in those things which most adorned a man, made it their highest ambition to get upon the stump, and, if they could get the Queen and Parliament to dissect, would hesitate at no kind of language, and no volume of abuse, in order to elicit a temporary cheer, upon which it appeared the necessary excitement of their lives depended. Who were the friends of Ireland? If those who employed Irishmen, then he (Sir Edward Watkin) had been one; if those who had always supported justice to Ireland, then he claimed that he had supported every measure which he thought was in the direction of establishing equality between the two countries, as those connected with him had done in days gone by when it was dangerous to speak of justice to Ireland. The English Members of that House were not to be taunted with having brought all the evils upon Ireland of which the hon. Gentleman had complained. What was the cause of the greatness of England? Hard work, industry, and obedience to the law. He had tried in his humble way to follow the example of many others in

that direction, an example which in England had produced such good fruits, and which he respectfully and with all deference recommended to the hon. Member, and to those who sympathized with him in the sort of oratory in which he had indulged.

MR. RONAYNE, as one of those adventurers and agitators, to whom the hon. Gentleman had just alluded, asserted that he had worked as hard as the hon. Gentleman for the practical prosperity of Ireland, and had for 30 years employed people in every part of the country, and he thought he knew the people, their wants, and their character, much better than the hon. Member did—he knew they would resent an insult even when it was given by an English railway magnate. Why had his hon. Friend been taunted with seeking for a cheer? Was he likely to get it from that Assembly? He quoted the hard facts as stated by the Judges of Assize, using no rhetoric or oratorical effect, in order to show that Ireland was more free from crime than any country in Europe during recent years. Previous to the passing of this Act in 1870 he (Mr. Ronayne) took a note of the charges of the Judges of Assize in the county and city of Cork. On the 7th of March, 1870, Justice Fitzgerald said that although seven months had elapsed since the previous Assize there had been no crime of any unusual or extraordinary character in the interval, and the instances of undetected crime had been very rare. In the same county of Cork, Justice O'Brien said that the number and the ordinary character of the crimes spoke well for the good character and peaceable conduct of the inhabitants. Mr. Kane, Q.C., at Middleton, said the application of the Coercion Act to that district would be unnecessary. Mr. Hamil, Q.C., was presented with a pair of white gloves in the West Riding of Cork; and Mr. Leahy, at Limerick. In spite of those facts, the Act was extended to that county. This Bill was merely a specimen of the manner in which Englishmen had ruled Ireland for centuries, and one consequence had been that the people of that country had been taught from their earliest youth that their first duty to God and to their country was to resist the law, because it was tyrannical and oppressive. In fact, the Lord Lieutenant and the Chief Secretary were not

constitutional rulers—they were despots. The Lord Lieutenant, though called a Viceroy, could order arrests and act in an arbitrary and despotic manner, such as the Queen, whose delegate he was supposed to be, could not exercise in this country. The right hon. Gentleman opposite held the office of Secretary for Ireland with all its powers simply because he was a political partizan. He did not doubt his anxiety to do the best he could for Ireland, but he had no experience of the country, and was forced to have recourse to the Jenkinsons and Robinsons of whom Fox wrote nearly 100 years ago—

“Fox to Fitzpatrick, April 13, 1782.

“The Lord Lieutenant not having any regular Ministry to apply to, is driven, or, at least, led to consult Lees, and such sort of superior people, and by that means the whole power is, as it were, centered in the Jenkinsons and Robinsons, etc., of that country. Nobody is responsible but the Lord Lieutenant and the Secretary; they know they are to go away, and, consequently, all the mischief arises that belongs to a Government without responsibility.”

The Jenkinsons and the Robinsons were the party in Ireland for whom the country had been governed, for whom England had risked her power and influence in that country, and by them the magistrates of Ireland were selected and appointed. He contended that before the rights of the country were taken away the facts ought to be given upon which it was proposed to take them away. The Chief Secretary for Ireland declared the other evening that the communications made to the Irish Executive were of a confidential nature, and that if he disclosed the names of those on whose information the Government acted they would not again communicate with him. Fortunate would be the day if such a result came to pass, for Ireland must then be better governed. The right hon. Gentleman said the majority of the magistrates were of the religion of the people, but could any statement prove more clearly than this did his complete ignorance of Irish affairs? As a matter of fact, there were 390 magistrates in the county of Cork, and of these only 60 professed the religion of the people, for there were in that county 550,000 Catholics as compared with 49,000 Protestants. It should be borne in mind, too, that the Protestant aristocracy occupied a peculiar position in Ireland. Irishmen reposed no confidence in them, because they were English, and

not Irish, in sympathies and sentiments; while the English despised them because they were Irishmen. With reference to the robbery of arms by the Militia in the county of Cork, he pointed out that in two out of the four regiments there was not a single Catholic officer; in one there were two Catholic officers, and in another three. Under such circumstances, one could hardly expect to find such sympathy as ought to exist between officers and men. The question between England and Ireland was not a religious question, but a national question; and he, for one, would use every effort in his power to pull down that ascendancy of Protestants, as exclusively the governing class, which those who govern at the present day so strenuously promote.

MR. BIGGAR said, that although there were not 40 Members present he should like to make a few observations on the Bill before the House. He contended that it was a very injudicious thing on the part of the Government, even from a military point of view, to maintain these coercive measures with respect to Ireland, which being chiefly an agricultural country, was one of the best fields we had for recruits, whether for the Army or the Navy. Another result was that Irishmen who emigrated to the United States increased the Fenian element in that country. Some day England would be at war, and with a view to such an event it was desirable to govern Ireland in such a manner as to induce her people to make common cause with England in the hour of need. The Government would act most wisely if they withdrew the Bill, instead of pressing it forward. He had listened attentively to the two speeches of the Chief Secretary, and he had not been able to find a single argument in them which would show that this Bill ought to pass. The right hon. Gentleman had led the House to believe that he had in his possession private information which would justify him in asking the House to consent to this measure; but he had not given the least hint what that information was. That was not sufficient. The right hon. Gentleman relied upon what was told him by magistrates who were untrustworthy, or by policemen, who, with a view to preferment, would lead him astray; but the Irish Members, the town commissioners of Ireland, and

Mr. Ronayne

the tenant-farmers, who were most of all liable to suffer from agrarian outrage were all opposed to measures of coercion; and that was the general opinion of the people of Ireland so far as there had been any opportunity of ascertaining it. He had been refused a licence to carry arms when he lived in Ireland; but since he had been a Member of the House he had been allowed to carry a revolver. His object in carrying arms was to defend himself from rowdies. Englishmen knew nothing whatever about the affairs of Ireland, and the Chief Secretary therefore could only act on statements made by the police or the stipendiary magistrates, most of whom were broken-down gentlemen. It was said that Ribbonism existed in Ireland; but that was altogether denied by those who knew Ireland better than police-constables, from whom the Government derived their information. If this Bill passed, the Orange Society, which was bound by a secret oath, would be perfectly illegal. He had no personal grudge against any of its members; he believed many of them were very good fellows; but the people of Ireland would expect to see even-handed justice administered to all secret societies. It was generally supposed that an Act of Parliament was capable of being understood; but this Bill was more like a Chinese puzzle than an Act of Parliament. It was perfectly incomprehensible. He particularly objected to that clause under which compensation was to be given by Grand Juries, who were not elected by the people and who often gave their decision in such cases from favouritism. It was exceedingly unfair in some cases to permit a Grand Jury to award compensation for injury to property. There was reason to suppose that the proprietors of flax-mills neglected to insure them against fire, because they could obtain compensation when they were burnt down, and there were owners whose mills had been repeatedly on fire, and who always claimed and obtained compensation as for malicious injury. He complained that the Attorney General for Ireland had no practice at the Bar and was not a good lawyer, and it yet was necessary, when a Bill like this was passed, that the law Officers of the Crown in Ireland should be competent to give an opinion on any point that might be called in question.

MR. STACPOOLE complained that the Government maintained an unnecessary and invidious distinction between the stipendiary and other magistrates. He hoped the Government would give the magistrates their proper position. He should vote in favour of the Amendment.

MR. O'BYRNE desired to supplement the speech of the hon. Member for Louth (Mr. Sullivan) by quoting the Charge of the Judge to the Grand Jury at the Wicklow Assizes on the preceding day.

CAPTAIN NOLAN pointed out that the front Opposition Bench was deserted, and complained that, while he and his Friends had been eager to discuss the Bill from their point of view, the Irish Members who would give the Government their votes had not been equally eager to support the Bill by arguments, and only four of them, including the hon. and learned Member for Dublin University (Mr. Gibson), had taken part in the debate. The Secretary for Ireland took credit for this Bill because it relaxed the provisions of the existing Coercion Laws; but he regarded it as the worst measure for Ireland during the last six or seven years, because its duration was to be five instead of two years; and it was likely to be much more debauching to public opinion. The right hon. Gentleman also defended the Bill because there were murders in Ireland. No doubt there was always a remarkable murder before a Coercion Bill, and the Irish Secretary had produced one. He would admit that there were 40 murders in Ireland every year, or nearly one a week, and it was easy to convert them into remarkable murders by a few newspaper articles. But then, comparing the population of the two countries, there were exactly three murders in England for every two in Ireland; and the House was therefore, on this reasoning, bound to pass a more severe Coercion Bill for England than for Ireland. Then the right hon. Gentleman said that, as firearms were dangerous weapons, it was rather a good thing than otherwise that there were restrictions upon their possession in Ireland, as it lessened the number of casualties. Well, there were, perhaps, less than a dozen people killed in Ireland by the incautious use of firearms; but there were 400 people who hanged themselves

in England, and 200 who cut their throats. So that the argument, if good for anything, would go to prohibit the use of ropes and razors, and would stop the use of some of the first luxuries of life. The Chief Secretary for Ireland said that a tax of 10s. was paid upon every gun in England, so that it was only a question of degree if arms were prohibited in Ireland. It might as well be argued that if a tax was levied upon tea in England, there would be no hardship in prohibiting it altogether in Ireland. When three or four Members of Parliament had told the House that the possession of arms had been refused to them, the House might judge what chance the ordinary farmer had of obtaining permission. In England the number of gun licences taken out in 1873 was 109,863. Comparing the area of the two countries there ought to be 54,000 in Ireland, or if they compared population, there ought to be 26,000, while the actual number of gun licences taken out in Ireland was only 3,460. There were a large number of farmers and others in Ireland who would, as a matter of business, keep arms but for the prohibition; and, in addition to this number, there were many more who regarded the prohibition as a grievance, although in all probability they would not exercise the right to keep arms even if they possessed it. The Bill would not only inflict a grievance upon Irish farmers, but it would place Members representing Irish constituencies in a very awkward position also. The Bill was to remain in force during five years, and no one could doubt that before that period had expired, there would be an outbreak of war in Europe. Whether England was or was not engaged in such war, there would arise a necessity for arming, and therefore for an increased supply of money to the Government of the day. When a Government came to Parliament to ask for these supplies, the Irish Members would be under the necessity of offending their constituencies by voting for the supplies without urging the grievances of their country, or of laying themselves open to a charge of want of patriotism by delaying the process of arming for possible defence at a critical period. The hon. and learned Member for Sheffield (Mr. Roebuck), on the previous evening, stated that the grievances of which the

Irish people complained as being likely to arise from the operation of this Bill would be removed if they would cease from demanding Home Rule. This was equivalent to saying that they were only to be permitted to call for the repeal of an unconstitutional law on condition that they ceased to strive after a constitutional object by constitutional means. The hon. Member for Hythe (Sir Edward Watkin) had, in the course of the debate, made an undeserved attack upon the hon. Member for Louth (Mr. Sullivan), on the ground that he was not a working man. This might be the opinion of the hon. Member; but the House would scarcely agree with him in denying the title to be considered a working man to a man whose literary ability was universally admitted by the country generally. The hon. and learned Member opposite (Mr. Gibson) had spoken of his constituents being in favour of the continuance of these laws of coercion; but the farmers in his (Captain Nolan's) part of the country were altogether against their continuance. Many references had been made to the magistrates of Ireland, some saying that they were good, and others that they were bad. How was the position of the magistrates affected by this Bill? The Government were making the magistrates and police officers the judges as to whether this was a good or a bad Bill. They were relied upon, and they alone were exempted from the action of the Bill in regard to carrying arms. It was from the magistrates that the Government had drawn all their information which was the basis of this Bill. Now, the love of sporting and shooting was as great in Ireland as in England, and the fewer guns that were allowed to be used in Ireland, the more game would there be for the privileged few to shoot at. That was, in a sense, holding out a bribe to the magistrates not to grant licences to carry arms. In conclusion, the hon. Member complained that the period just before Easter was a very awkward one for Irish Members to attend in Parliament, and called upon the House to reject a Bill which was opposed by two-thirds of the Representatives of the people who would be affected by it.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) remarked that it had been alleged that hon. Mem-

Captain Nolan

bers on that side of the House refrained too much from taking part in the debate. He could assure hon. Members opposite that this had not been done from any want of respect for them or their arguments. They had been actuated solely by a desire that an ample opportunity should be afforded for a full criticism of the Bill; and certainly he did not regret that this course had been taken; because the further the discussion had gone the more he had been struck with the change which had come over the views of hon. Members since the introduction of the Bill. The more the measure had been explained and studied the more difficult it had been for hon. Members opposite to find good reasons for treating it in the spirit of unmitigated resistance and stern denunciation with which it was first received. The speeches made had been able, as speeches by the hon. Members for Louth (Mr. Sullivan) and Mayo (Mr. O'Connor Power) must always be. But it was worthy of remark to how small an extent they had really touched upon the subject under debate. The hon. Member for Mayo, impelled doubtless by oratorical motives, raked up the old history of oppression and of distinctions between religions, using language which certainly was not calculated to create good feeling between landlords and tenants.

MR. O'CONNOR POWER explained that he was not aware that he had used such language, and said that, perhaps, the hon. and learned Gentleman was referring to the remarks made by the hon. Member for Cork or for Louth.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET): No; the hon. Member for Mayo had told the House of landlords in Ireland having agreed upon "the wholesale extermination of the Irish people." Did the hon. Gentleman suppose the House would accept that as an argument in support of his view of the case? He ventured to tell the hon. Member for Mayo that he would not advance his cause or bring credit upon his party by making such wild and unfounded accusations. But no doubt he had found himself in the position of having no better argument to employ. The hon. Member for Louth (Mr. Sullivan) had done little more than call attention to the amount of ordinary crime which existed in England. But that, again, was not the question; for it

was admitted on all hands that Ireland was singularly free from crime of the ordinary kind. What they were debating that night was the propriety of having exceptional legislation to meet exceptional crime; and it was therefore quite beside the point to draw pictures of wife-beating and burglary at Sheffield and elsewhere. The special circumstances which called for coercive legislation in Ireland were altogether absent in England; but he was quite sure that if they believed it necessary, the English Members would not hesitate to apply the present Bill to their country. He was sure they would be willing to sacrifice for a time their most cherished liberties; nor rest content until they had stamped out from among them that class of exceptional crime which still prevailed in his unhappy country, though not to so great an extent as formerly, and which reflected disgrace not on individuals alone, but on the people at large. The hon. Member for Louth, arguing on this subject, had referred to the Charges of the Assize Judges, which no doubt presented a very satisfactory picture of the state of ordinary crime in Ireland. But there were two recent Charges to which reference had not been made, but which had a very important bearing on the question under debate. Referring to the county of Westmeath, Mr. Justice Fitzgerald, who was no partizan of the present Government, and could not be considered an alien in race or religion from the Irish people, said he was

"Happy to observe that the Peace Preservation Act had been so mildly and fairly administered that not a single person was in custody under its special provisions, while its effect had clearly been to suppress outrages, to expel bad characters from the districts where it was in force, and to protect people who were peaceable and well-conducted."

This view corresponded with that expressed in the same county at the last Summer Assizes by the Chief Baron of the Exchequer, who remarked—he quoted the words from memory—that

"not until they had perfect immunity from exceptional crime could they afford to dispense with exceptional legislation."

That was his contention now; not that there was so much ordinary crime, or crime arising from conflicts between persons of different religion; but that the elements which within the last few years had produced crimes of an excep-

tional and atrocious character had not yet been eradicated. The Government knew they were still there, and asked the House for such powers as would enable them to tide over to the time until the partial immunity from these crimes should have become complete. When that period arrived none would rejoice more than hon. Members sitting on that side of the House, the charter of whose policy it was to lean on the common law and to trust the people. He thought he need not go through the various clauses of the Bill, as they were fully explained last night by his right hon. Friend the Chief Secretary for Ireland, and also that evening by his hon. and learned Colleague (Mr. Gibson), whom he congratulated on his very able, clear, and effective speech. But he would refer to the part assigned to the stipendiary and ordinary magistrates in Ireland. The former had to perform the duty of granting licences under the Act, and it had been said that they were not reliable persons; and a general onslaught was made upon the latter by the hon. Member for Cork (Mr. Ronayne), who had told the House anecdotes of his familiar conversations with these justices; but it seemed to him that the hon. Member made an attack upon his own personal and intimate friends. He (the Solicitor General for Ireland) believed that both those classes of magistrates were most intelligent and reliable men. He might mention that for the appointments of resident magistrates a very large number of candidates always presented themselves, and there was not one of those gentlemen whose recommendations and qualifications for the office were not carefully and attentively examined. Whatever might have been the case in former times, the selection of candidates for the magistracy was now made on no other ground than that of fitness; and he believed the present Lord Lieutenant and the Chief Secretary took care to have a personal interview with candidates before they were appointed. He himself, in the course of his own professional experience and ordinary life in Ireland, had come into contact with a large number of the resident magistrates, probably more than half of them, and he could confidently say that a more intelligent, trustworthy, and energetic body of officials did not exist. It was therefore they entrusted those powers to the resident magistrates,

The Solicitor General for Ireland

and why did they entrust them? Because they were responsible to the Government for their conduct. If any hon. Member thought there was just reason to complain of the conduct of any one of those gentlemen, all he could say was that if they took the trouble to bring those complaints before the notice of the authorities, they would be attended to in the proper spirit. There was no proof whatever of the alleged misconduct, and it was rather hard upon the resident magistrates to make a general accusation against them in that House. Hon. Gentlemen should not take advantage of their position as Members to bring forward charges of that kind. If there was a solid accusation against them, let it be brought forward at half-past 4, when Questions were put, and the process of interviewing Ministers had become almost a science. What was desired was to regulate the power of carrying arms, and proper opportunity should be given for trying the question when it was found needful. Then as regarded the ordinary magistrates, they had heard certain complaints brought against them too; but an hon. Gentleman opposite rose and indignantly defended the conduct of his magisterial brethren. All the power the ordinary magistrates had under the Bill was, that when a man was accused, they had the opportunity of trying his case at petty sessions. That had been objected to as a harsh administration of the law; but it was not administered in any such spirit, and it was better that the man should be tried at once than held over until he could appear before another tribunal. The investigation was just the same as that which took place in the case of a man accused of ordinary crime, and he had the opportunity of calling in counsel to conduct his defence. It was absurd, then, to turn this into a complaint. He had now to ask the House to consider what was the present state of things in Ireland on which they grounded this exceptional legislation. He was not there to contend that the state of Ireland at the present day was as bad as it had been in 1870—far from it; but what he was there to contend for was, that there still remained in the country a sufficient amount of agrarian outrage to show that beneath the surface there still lurked all the elements of greater crimes. The Bill was meant, therefore, not only

to punish crimes now committed as to prevent the renewal of offences which had unhappily been, a very short time since, so frequent. There were three different kinds of damages to be considered. The first were the crimes connected with Fenianism, and that branch of the case was, he thought, at the present moment, of the three, that which was of the least importance. In that view he was rejoiced to be able to agree with his right hon. Friend near him (Sir Michael Hicks-Beach), and the noble Lord the late Chief Secretary for Ireland (the Marquess of Hartington). But he also concurred with them in thinking that Fenianism, though scotched, was not killed. Now, the power of promiscuously carrying arms was the life blood of that conspiracy, and the knowledge that there were stores of arms in the country which they might obtain was a circumstance which gave to the conspirators their chief importance, enabling them, as it did, to spread their infamous trade far and wide. When it was believed a large quantity of arms were ready, the ringleaders, who misled the lower orders, urged them on until some unsuccessful project was attempted, and though, of course, he apprehended no danger to the Imperial authority from such miserable attempts—the day had gone by when they could be regarded otherwise than as ridiculous—yet they were sufficient to bring the most wretched classes of the people into conflict with the law. Then it became necessary to ask for fresh Coercion Acts. Then special Commissions had to be appointed. Witnesses had to be brought up, the sympathy of the common people was evoked, jurymen were unwilling or unable to return verdicts, and if convictions did take place sentences had to be pronounced, political prisoners had to be dealt with severely. And so there re-appeared once more the dreary procession which had so often crossed the stage of Irish History—crime and outrage—prosecution and punishment—exceptional legislation and smouldering vengeance against the English Government. Was it not, under these circumstances, he would appeal to his hon. Friends opposite, better to take things in time and to remove from the people of Ireland temptations to which it had

been shown on more than one occasion they were unhappily so open, by not giving them the opportunity of readily obtaining arms until the miserable attempts at mischievous conspiracy to which he was referring had been finally extinguished? He now came to the next ground on which the proposed legislation of the Government was founded. There were, unfortunately, in Ireland sectarian differences and jealousies which had prevailed for a long time. He rejoiced—and he was sure that hon. Gentlemen opposite would give him credit for sincerity—in the belief that these conflicts were fast dying out. They were, however, not dead, for they had heard the hon. Member for Belfast describe the riots which took place in that city two years ago, and which would have disgraced the capital of a barbarous country. Those riots took place in 1873. One policeman was killed, 73 were injured, 170 other persons were also injured, and 37 of them so seriously that they had to be taken to the hospital; 883 families had been compelled to leave their homes, and 247 houses were injured and wrecked. All that occurred only two years and a-half ago, and clearly showed, he maintained, the existence in the district in question of a state of feeling which was exceptional. Orangemen and Home Rulers went out and came in conflict with one another, and their first object was to prepare for the meeting by obtaining firearms to let off in the air, if they made no other use of them. Did it not appear inevitable, he would ask, that scenes of bloodshed and violence would again occur if the unrestricted use of arms were to be all at once permitted, or could it be called oppression to keep arms out of the hands of such people? Was it not, on the contrary, a merciful law which placed obstacles in the way of a return to all their worst traditions? He, for one, appealed to the House with confidence to give the Government of Ireland the power—he hoped it would be needed only for a very few years—to keep out of the hands of such men arms which they would be likely to use only for the purposes of mischief. Then came agrarian crimes, and he heartily rejoiced to have observed that there had been a wonderful decrease in that class of offences since the passing of the Act of 1870. He wished to call the attention

of the House to some figures. In 1870 there were no fewer than 1,329 outrages of an agrarian kind reported in Ireland. The Act of 1870 then came into force, and the Government prosecuted in every part of the country the most vigorous search for arms, which resulted in a large quantity of dangerous weapons being taken from the most disloyal and criminal classes. That was the first effect, and what followed? The House would hardly believe that in one twelvemonth the number of agrarian outrages fell from 1,329 to 373. Last year they amounted only to 213. Still, he put it to the House whether, in the face of the exceptional crime yet in existence, they would be justified in giving up the more limited provisions of that Bill, which they hoped would be enough to prevent the relapse of the country into that fearful state which brought down upon it that stringent code to which he had referred from a Government whose watchword was to consider to the utmost possible extent the feelings and even the prejudices of the Irish people. It was only fair and right that the House should have full information on all these points. For himself, he could truly say that a more painful task he had never performed than that of recommending any exceptional and repressive legislation for his country. But it was useless shutting their eyes to the facts, and if there existed elements of danger, and they had the means of preventing that danger, even though those means involved exceptional legislation, to say that they would not avail themselves of them because, as Irishmen, they felt it to be an insult to their manhood to do so, was, if that language was seriously intended, very childish sentiment. But let them look a little further back than 1870, because the peculiarity of that class of crime in Ireland was that it suddenly subsided and, unfortunately, as suddenly increased again. The agrarian offences, which in 1870 culminated in 1,329, two years before that were only 160, or fewer than the number last year; and in 1866 they were half as many as in 1874. Therefore, in a country where the people were so excitable, so sensitive to the influences he had described, it was impossible to count upon the experience of a single year. They had still to deal with the same generation of Irishmen who in

1866 were so peaceable, who in 1870 were roused into a fearful state of agrarian disorder, and who were now settling down again, he would fain hope, into a lasting condition of order and tranquillity. They had to deal with the same generation of men who in those years sympathized to some extent with those offences—who were then, and still were, reluctant witnesses and reluctant jurymen, and who then sheltered, and still sheltered, the felon who was flying from the punishment of the law. The subject had been so thoroughly exhausted that he would not refer to some other topics to which he had hoped to call the attention of the House; and he would only say this, that the Executive Government had taken every pains in its power to inform itself fully on the subject, not partially or in any partizan sense, not with any desire to press Coercion Bills upon the country, but with the most earnest longing to be enabled, as soon as possible, to return to an absolutely unexceptional state of legislation in Ireland; and they had come to the conclusion, with great satisfaction, that they might safely try the experiment of abandoning the most coercive parts of those Acts and the clauses most inconvenient to the law-abiding subjects of the Queen. On the other hand, they had come with equal certainty, though not with equal satisfaction, to the conclusion that they would be failing in their duty to the Empire, and also to his own countrymen, if, to catch any breeze of passing popularity or from any sentimental feeling they were suddenly to relax provisions which had been found to work so usefully, and which they believed must still be used for the purpose of preventing the recurrence of those terrible events that but a few years ago disgraced Ireland and unhinged society in that country. He did not complain of the spirit in which they had generally been met by hon. Gentlemen opposite. He knew that their position upon this subject was a difficult one; but he must take this opportunity of thanking the hon. Member for Roscommon (the O'Connor Don) for the truly patriotic way in which he spoke upon this measure. He would venture to urge further the advice which that hon. Member gave to other hon. Members for Ireland who sat around him, praying them to repre-

sent this measure candidly and fairly to those over whom they had such influence, and he would say such just influence. He saw opposite to him many of his Friends who had the glorious gifts of the brilliant pen and the eloquent tongue, and who had acquired great power among their countrymen. He appealed to them, now that that measure was to become law, to give the Government at least credit for the effort they had made in the direction of restoring to Ireland a state of things that was not exceptional, and not to exasperate the feelings of the people against those clauses which they were obliged to retain. At least he could honestly say for himself, and he believed also for every Member of the House who would vote for the second reading of the Bill, that they regarded its necessity with as much regret and as great pain as any hon. Gentleman who would go into the lobby against it.

Mr. BUTT said, the impression that had been left upon his mind by the speech of the hon. and learned Member was to deepen the conviction which he entertained, that the real question for the House to consider was whether they were to persevere perpetually in a system of coercion for Ireland, or whether they were, once and for all, to make a stand and say it should be continued no longer. Every argument that had been used in advocating that as a measure of precaution, founded on the peculiar circumstances of Ireland, on the antagonism of creeds or races, on the divisions between classes of society, would be just as available five years hence as they were that day. There were many clauses of the Bill which might be better dealt with in Committee; and he would therefore speak upon what he believed to be the real question before the House—namely, whether Parliament was prepared to deal with crime in Ireland by the principles of British law and the British Constitution; by a firm but impartial administration of the Common Law, or by making coercion a chronic and permanent instrument. The Bill dealt with three perfectly distinct classes of enactments—with what were called the Peace Preservation Acts, with the Acts for the Protection of Life and Property in certain Parts of Ireland, and also with the Act against Societies administering Unlawful Oaths. The Westmeath Act no-

body would abstractedly defend. It gave to the Lord Lieutenant power to imprison at his discretion and without trial any man he pleased, and also to the police power to arrest any man who was out of his house after dark. It was idle to say that Act had not been abused. When they came to discuss the Westmeath Act—a separate part of the Bill—that would be the proper time to adduce proofs of how the power of arresting men out after sunset had been exercised. The Arms Act—first passed under the name of the Crime and Outrage Act—took its origin in 1847, and was brought in for two years, and until the end of the next Session of Parliament. It was renewed in 1850, 1852, 1854, 1855, 1856, 1858, 1860, 1862, 1865, 1867, 1868, 1869, 1870, and 1871, when it was continued by another Act until now; and in all these renewals no Government had yet asked the House to renew the Act for the period of five years which was now proposed. He asked if any Member of the House really believed that there was any greater chance of the Act being allowed to drop at the end of those five years than there had been at any period of its existence? The Act gave the Lord Lieutenant power to disarm the whole people. This might be right; but it gave also to the police the right of domiciliary visit at any hour of the day or night, and the absolute power of searching a man's person. Was a provision of this kind not inconsistent with any constitutional or rational liberty? By the Act as it was passed in 1856—and, indeed, by the original Act—it was provided that the search for arms must be made between sunrise and sunset; but this restriction was afterwards removed, and under the Bill at present before the House the search might be made at any hour whatever. The Lord Lieutenant issued a warrant, but it was not addressed to any particular person. It was directed to the inspector of police—not by name—and to every subordinate constable in the county, and the effect of this was that an ordinary constable had the power in every proclaimed district—and there were 31 counties proclaimed—to enter the house of any man and search for arms, without any special warrant or any information to search for arms, without even the sanction of a magistrate or even any superior officer of his to control him. This monstrous power of domiciliary

visit was to be preserved. But it must not be imagined that the powers given by this Act were used only for the purpose of discovering arms. He had been engaged not long ago in an action brought against a clergyman on account of a malicious prosecution, and the disclosures in that case would serve to illustrate the uses to which the Act was put. There had been a dispute about pews, and tar had been placed on them; and, for the purpose of getting evidence on the subject, the sub-inspector of police—a friend of the clergyman—had caused a search to be made by four policemen in a number of houses, under the powers of this very Act, in order to find garments marked with tar. The sub-inspector was examined at the trial and acknowledged that this had occurred, apparently without the slightest consciousness that he had done anything wrong. What guarantee was there, under these circumstances, that the powers given by the Act would be used only for the purpose which the Legislature had had in view? But, even if its legitimate object was observed, was it necessary that in every county in Ireland which the Lord Lieutenant chose to proclaim there should be vested in the police an absolute right of domiciliary visit at any hour of the day or night? This was an Act which placed the whole of the country under disability, in order that some people might be prevented from committing crime. It pressed upon the innocent just as much as upon the guilty. It was all very well to say that it would be temperately administered by the Lord Lieutenant; but it so happened that it was in the police the real power resided. And could it be said that it was temperately administered at present, when it was in force in no less than 31 counties, in some, at all events, of which there was not the slightest pretence of excuse for retaining it? What was the next provision of the Bill? The Lord Lieutenant's provision was to prevent persons carrying arms; and if it stopped there, there might be a great deal to be said for it; but it did not stop at preventing persons from carrying arms outside their houses. There was issued a notice calling upon them to come in and deposit their arms, and if they did not do so their houses might be searched; and, moreover, any policeman might go and search any person on the road to see whether he was

concealing any arms about him. Was that freedom? He contended that the Common Law of England did not at all need to be supplemented in Ireland by such odious, he would not say atrocious, provisions as those under which that right of domiciliary visit was exercised. The Chief Secretary for Ireland had quoted a speech of his (Mr. Butt's) delivered 20 years ago, in which he expressed his opinion that some restriction should be put on the possession of arms; but was the right of domiciliary visits and the searching of the person necessary to carry out such restriction? He was very proud of having so diligent a student of his speeches as the right hon. Gentleman. It was not the first time the right hon. Gentleman had quoted them. He hoped the study would be continued, and that it would extend beyond the speeches of his early days to those of later years. It was true he had said there ought to be some restriction on the possession of arms; but did it follow that there ought to be such provisions as those of which he was now complaining? The question really was whether they would try to deal with the evils which he admitted existed in Ireland, by means of a vigorous administration of the powers of the Common Law? English Members had said that England was a country in which such coercive legislation was not needed; but the fact was that England had gone through the same or worse experiences. And how had England been dealt with under those circumstances? How were such crises got over in England? Not by coercion, but by enfranchisement. Not long ago a speech was delivered by the Prime Minister in which the proud boast was made that the English artisan's home was freer and more safe from intrusion than the castles of noblemen in other lands, and in which a reference was made to the effectual operation of constitutional principles at a time when the proclamation of a Republic among a neighbouring people seemed the signal for sedition throughout the whole of this country. In only one instance had an Arms Act been passed for England, and that was in the year 1819. And what was the nature of that Act? It enabled two justices to issue their warrant for the search of any house for arms in certain specified districts upon receiving infor-

mation that arms were concealed in it for seditious and treasonable purposes. Under that Act, however, the individual whose house was searched had an appeal to the Court of Quarter Sessions, and the Act itself was only in force for two years. When that Act was passed by the House of Lords, a Protest against it was signed by several of the Peers. He had heard it stated that British subjects had no right to carry arms; but he had a distinct recollection that it was declared by the Bill of Rights that it was the inalienable right of every Englishman to carry arms, and he had a not very indistinct recollection that under the Act of Settlement, by virtue of which Her Majesty held her Throne, that right to carry arms was also recognized. The Protest of the Lords against the English Arms Act, after referring to the Bill of Rights in proof of the right of all British subjects to carry arms, went on to show that the effect of such a law in Ireland had merely been to irritate the people and to provoke revenge owing to the abuses which had occurred under it. That Protest was signed by Lord Grey, Lord Erskine, Lord Holland, Lord Fitzwilliam, and the Duke of Sussex. What would those noble Lords have said if in place of the very moderate measure which they protested against they had had to deal with a Bill like the present? But what was the condition of England at the time those noble Lords were protesting against the passing of the Act—was there then no excuse for asking Parliament to pass it? At the time the Cato Street conspirators were brought to trial and executed for conspiring to surprise the Bank of England and to carry out other treasonable practices this Act was in force; but so strong was the feeling of Englishmen against its principle that it was not put into force. That was the one solitary Arms Act for England. The Habeas Corpus Act had been suspended, and the spy system had been enforced, but the way in which a better state of things was brought about was by passing measures which had the effect of tranquillizing the people. The Prince Regent was fired at in coming to open Parliament, and a Message was sent to the House, and a Secret Committee was appointed, which reported that all the Northern parts of England were in a state of sedition, and that a conspiracy had been formed to divide the land

of the landowners amongst the people. There were depôts of arms in different parts of the country. Measures had to be taken to have the cannon in the hands of merchants spiked lest they should be turned against the Government. Were there not men now living who recollected that William IV. dared not go to the City to dine with the Lord Mayor because of the conspiracy that existed to shoot him on the way? But in that state of things in England, did Parliament give the King himself the powers which were given to the Viceroy now with respect to Ireland? The Habeas Corpus Act was suspended, but the Reform Bill was the first thing that brought peace; the household franchise was what completed the work of conciliation, and gave contentment to the English people. There had been nothing in Ireland to equal the discontent which prevailed in England in 1819, and yet with respect to England no such measures were attempted as those which were in force with respect to Ireland. Try, then, for Ireland under less difficult circumstances what you tried for England. Act upon the principle of Burke—that if concessions had not produced peace more must be given. Give the people of Ireland the rights of the British Constitution, and let the star of liberty shine for once over Ireland, and he ventured to say that peace and prosperity would follow in its train. He would appeal to English Members to say whether the Irish Members of that House were unreasonable in objecting to the passing of this measure. He unhesitatingly joined in giving credit to the right hon. Baronet the Chief Secretary for endeavouring in some degree to relax the rigours of these statutes under the present Bill; but, at the same time, he scarcely thought the right hon. Gentleman would have ventured to propose an extension of those statutes in all their harshness. But did the present measure bring them any nearer to getting rid of this class of legislation? The fact was that this Bill proposed to re-enact laws which were far more harsh than that of 1869. He asked the House not to judge of the effect of those measures by the speech of the right hon. Baronet, but by the terms of those measures themselves. The right hon. Baronet had by his speech almost persuaded him that the times of coercion had come to an end;

but when he came to look at the terms of the statutes about to be continued, he found that although "the voice was the voice of Jacob the hand was the hand of Esau," and that there was a very stern reality in the very rough hands of Esau—as discovered by these Acts. Were they prepared to re-enact or to destroy the law and the Constitution, which were sufficient to meet every case that might arise? The worst of these Coercion Acts was that the Government knew they could at any time resort to them; that they taught the Government to put the Common Law in abeyance, to gain a false popularity by being remiss in the execution of the law, and then to make up for their own weakness by a Coercion Act. Let him read to the House an extract from the late Lord Brougham's *Political Philosophy*. He said—

"There is no more powerful argument against ever granting exceptional powers than the tendency of such grants to be perpetuated, and the tendency of the powers themselves to become part of the Constitution. The people become accustomed to them, the rulers become fond of them, and believe that the affairs of the State cannot be administered without them."

So said Lord Brougham, and an illustration of the truth of what he said was supplied in the successive renewals of this Act. It was time to make a stand against its further renewal, and to say boldly that there should not be a lease perpetually renewable of coercive legislation for Ireland. He had no particular distrust of the present Government; but he had heard with amazement the argument put forward that because they trusted a Government they were to give them any power they asked for. That was not the language of an Englishman; it was not the language of the English Constitution. It was based upon distrust and jealousy of the Executive Power. The question was, whether they were prepared to continue a system of coercion in Ireland? The Government acted upon the testimony of magistrates. The right hon. Baronet had heard of outrages. Might he venture to ask his attention to a despatch of one of his Predecessors in the office of Chief Secretary to the Military Commander at Limerick? The Chief Secretary in question said it frequently happened that disturbances existed only in a very small degree, and probably only partially, yet that the Civil Government were called upon, as if there were a general rising,

to call out the Militia to repel disturbances represented as being more serious than the occasion warranted; that letter after letter was written to the Government on the subject, and that the result of inquiry generally was to show that the outrage was by no means of the extent complained of. The obvious remedy, it was added, was that the representations should be upon oath. The writer of that despatch was Arthur Wellesley, and it referred to outrages greater than those which, on the reports of policemen, had frightened the Chief Secretary from his propriety. As he had said, he would not then discuss the provisions of the Bill, many of which were very objectionable. He would content himself with calling attention to one—namely, the power of entering a house for the purpose of searching for handwriting to compare with a threatening letter. He did not wish to at all lessen the guilt of writing threatening letters. It might constitute a greater or a lesser crime, and he believed he had himself received as many as had ever been addressed to any magistrate in any county of Ireland, but he had paid no attention to them. What did the Bill do? It gave power to any magistrate, upon information that any person was suspected of having written a threatening letter, to issue a warrant under which a common policeman could enter the suspected man's house, break open all his drawers and desks, examine all his private documents, and carry off such of them as he thought fit. But everyone acquainted with Courts of Justice knew that of all evidence liable to mistrust, it was that of experts founded upon a comparison of handwriting; and yet with the hope of obtaining such evidence, an outrage was to be committed upon every principle of law. One case had occurred in which, upon a warrant of two magistrates, a man's house was entered and his daughter's desk broken open by a policeman, and letters carried off which were read and discussed in the police barracks. He would not mention the young lady's name, as he did not know whether she was yet married, and as the letters were of a tender nature and had been written to her by a young gentleman. It turned out that the proceeding was dictated by personal spite; an action was brought against the magistrates, and damages to the extent of £500 were recovered.

Mr. Butt

He endeavoured to find out last year how the fact was; but, though he failed to do so, he had every reason to believe that the costs and damages were paid at Dublin Castle. Let English gentlemen make the case their own. Would they tolerate their houses being entered, the desks of their daughters to be broken open, and their letters to become the subject of the jeers of policemen? Why, then, should they be parties to the granting of such powers in respect of Ireland? Was this system of coercion to be stopped? It was not a system to punish crime, or to make the detection of guilt easy. Could not Her Majesty's Government keep the peace without disarming a whole nation? Could they not do so without giving to policemen the power of making domiciliary visits, and of breaking open private desks? Was that really the power of the British Government? Oh, but he had heard yesterday that four men had done all the mischief in Meath, and that British law could not cope with those four men unless power was given to arrest every man who was abroad after dark. Why, this was a mere burlesque upon government. Let them retrace their steps. Let them try the power of the ordinary law, the power of making Irishmen content with the law. The difficulty was that, under the present system, the inferior classes in Ireland regarded the law as their enemy. Coercion embittered them against the law, and led to well-founded discontent. Murat tried such means of putting down brigandage in the Neapolitan States, and brigandage existed there to this day. If they did not try the effect of the law according to the British Constitution, they would brand their whole system of government in Ireland with itself contributing to a conspiracy of the few against the many, and provoke and almost justify a conspiracy of the many against the few. He had always, whenever he had the opportunity, impressed upon the people that their best redress and protection was not to resort to violence, but to the laws of England. They were now thwarting him. They talked of men who aroused the passions of the people; but the Government of England put weapons in those men's hands. The next time he met his countrymen and told them to look to that House for redress, in many a heart there would

arise the sad and bitter response—"We remember your appeal to that House, and the Coercion Act which, by English votes, it adopted."

MR. DISRAELI: Sir, this is a measure of necessity framed in a spirit of conciliation. [Major O'GORMAN: No, no!] If that is to be taken for a reply, I must say that according to the Orders of the House the hon. and gallant Gentleman will not be able to take any further part in this debate.

MAJOR O'GORMAN: I beg to say I have not spoken one word.

MR. DISRAELI: I repeat what I said before, and what I am prepared to prove, that the measure which we now ask you to read a second time is a measure of necessity, framed in a spirit of conciliation. It is a measure to preserve peace, and therefore is unjustly represented by its opponents as a measure to create coercion. "What is in a name?" I think a moral may be drawn on that question in this night's debate, for it is only by representing this measure to preserve peace as one to create and enforce coercion that the arguments of hon. Gentlemen opposite have found any substance or foundation. Now, Sir, I would remark, in the first place, in considering this Bill, that when it was first introduced some Sessions ago it contained many clauses which were principal subjects of invective and opposing arguments by those who now maintain similar opinions with regard to this Bill, and yet all these clauses have been omitted. The chief points which were brought under the consideration of the House, and which were held up to its indignation as violations of the liberty of the subject, and as proposals contrary to the traditional freedom of this country, find no place in the Bill now under consideration. These points were: Restrictions on a free Press, the establishment of what was then described and denounced as Curfew; and the power given to magistrates of summarily closing houses. These are the three things which in former discussions were particularly inveighed against as violations of the liberties and rights of Her Majesty's subjects. None of those matters are treated of in this Bill; and yet only by a side-wind have hon. Gentlemen opposite during this discussion of two nights had the candour to admit that those

main features of odium, according to their view of the case, are entirely omitted from this Bill. Well, then, there are no doubt points which we think it our duty to insist on, and which I trust this House, by a commanding majority, will prove that we have not been mistaken in recommending to the House. The points which we insist on are—restrictions on the possession of arms. When the hon. and learned Gentleman who has just addressed the House, and worked much on that subject, touched on the clauses of the Bill, he omitted to remember that the restrictions on arms were much modified in this Bill, as compared with past Bills. The hon. and learned Gentleman has said much upon domiciliary visits, and that any policeman at his own pleasure could make a domiciliary visit to seize arms. It never was in the power of a policeman, at his own pleasure, to make a domiciliary visit. I believe such a power was not given in any one of the Acts to which the hon. and learned Gentleman has referred, and certainly it is not given in the Bill before the House. In former days—indeed, I believe within the last two or three years—there were general warrants entrusted to the police for a term of three months, which they might use. I will not say that was an abuse. It might have been at the time a necessary arrangement by our Predecessors, but it is one which we have terminated, and there are only two places in Ireland where a general power of that kind prevails.

MR. BUTT: The warrant remains exactly as before. It is a general warrant directed to every sub-constable, and this Act authorizes him to execute it whenever he thinks fit.

MR. DISRAELI: If a constable makes a search for arms he is obliged to apply for a warrant to the Government.

MR. BUTT: No, no. The right hon. Gentleman will pardon me if I state what the fact is. A general warrant is one directed to a county inspector or to a sub-constable of the county, and this Bill expressly authorizes any warrant so directed to be executed at any hour of the day or night.

MR. DISRAELI: My right hon. Friend the Secretary to the Lord Lieutenant remarks that formerly it was so, but that as a matter of administration it is not the practice. ["Oh!"] It is not likely I should make that statement

if I did not believe it to be true. [Major O'GORMAN: I am perfectly sure of that.] It is fortunate that this House is used to every combination of human nature. Well, then, the hon. and learned Gentleman said, "What is the prospect for Ireland if you are to proceed with this sort of legislation? It is very true you may modify and mitigate your Bills; it is very true you have omitted some odious clauses, but the result is coercion, it has always been coercion; and what security have we that again in five years we shall not have a new Bill similar to this?" The hon. and learned Gentleman continued—"This is not the way you have dealt with England. England was just as disturbed as Ireland; there was as much sedition in England at the earlier part of this century—and, indeed, for the first quarter of this century—as in Ireland, and yet you have not carried any Coercion Bills for England. You carried no Coercion Bills to meet the Corresponding Society or any of the seditious combinations." But does the hon. and learned Gentleman mean to say that the suspension of the Habeas Corpus Act, which was then, unfortunately, too frequently resorted to, was not an act of coercion? The hon. and learned Gentleman particularly alludes to the year of 1819—when he says the state of England was more dangerous and more menacing than that of Ireland—when there was as much sedition, as many secret societies, and as much danger to the State impending, and yet we did not have recourse to a policy of restriction and coercion. What does he say about the six Acts which were introduced by Lord Sidmouth and Lord Castlereagh? Look at the names of those Acts. The first of those Acts passed for England was an Act against the training of people to the use of arms—that was an Act of restriction. The second Act authorized justices of the peace to seize arms that might be used for purposes dangerous to the public peace; what does the hon. and learned Gentleman say to that? The third was an Act to prevent seditious meetings and assemblies. The fourth was an Act against blasphemous and seditious publications. The fifth was an Act containing severe restrictions against the Press. And the sixth was an Act to prevent delay in the administration of justice in the cases of

Mr. Disraeli

certain misdemeanours. Certainly no coercive legislation for Ireland has exceeded the scheme which was devised and carried into execution by these celebrated and odious Acts. And that is an answer to the hon. and learned Gentleman's argument about the hopelessness of this system of legislation and the folly of supposing that Ireland will ever be tranquil; because, if the state of England was then the same as the state of Ireland now—if that state was altered and checked by coercive legislation—why should not Ireland, in due season, be as tranquil, as prosperous, and as contented as England without the unhappy influence of exceptional legislation? Mr. Speaker, there is one point to which the hon. and learned Gentleman adverted with regard to myself, on which, with the permission of the House, I will say a few words. It is always disagreeable to enter into personal explanations; but I hope the House will allow that I rarely trespass on them in this way. The hon. and learned Gentleman quoted a passage from a speech which I made not in this House, but which at the time attracted some public notice. I said then, as I say now, that the working classes of England inherit personal privileges which the nobility of other nations do not enjoy. That is my opinion. By that opinion I stand; and I shall always be prepared, when an opportunity offers, to prove it. Well, a stupid, some think a malignant interpretation was given to those words, and a ridiculous story went about that in consequence of using those words a representation was made to Her Majesty's Government, and that I made an apology to a Minister who believed that he was referred to. I have never gone out of my way to contradict this story; but I think that as an hon. Gentleman has talked to-night about Her Majesty's Government truckling to Prince Bismarck, the House will, perhaps, allow me to make one remark. There is not the slightest truth of any kind in the statement that was made that any allusion or remonstrance—direct or indirect, public or private, by male or female—was ever made to me, or to any Member of Her Majesty's Government, upon that subject. When the erroneous charge was made that I had alluded to the conduct of Prince Bismarck—of whom I was thinking then

as little as I was thinking of Rory O'More—I thought it idle to answer the remarks in the newspapers, for I never grudge them their sport with public men; but when, after a few days had passed, I found that one or two journals were gravely announcing that the peace of Europe was endangered by such remarks, I thought the matter had become ridiculously grave, and I asked a friend of mine to put in a paragraph in the papers, for which I have never been even thanked either by Prince Bismarck or by anybody else. While I make these remarks on the observations of the hon. and learned Gentleman with regard to the first point in our Bill upon which we felt it our duty to insist—namely, the restrictions on the use and the possession of arms—I may say that both in this Bill and in the practice of the Administration great modifications have been introduced and arrangements which tend, in my opinion, to produce very beneficial results; such as the inquiry by an officer who fulfils the duties of a coroner in England after a murder, or the tax upon a district in which an outrage or murder has been committed. I heard with regret the hon. Member for Roscommon (the O'Connor Don), who, upon all subjects connected with his country, addresses us with an authority which is most due to him, criticize this proposal not entirely with the excellent sense which usually distinguishes his remarks. However, whether the hon. Gentleman be right or wrong, that is clearly a question which we must discuss in detail in Committee when the proper time arrives. But I must, upon the second reading of the Bill, protest against an arrangement of this kind being treated as one of an exceptional character, and differing in every respect from the general spirit of our administration for the United Kingdom. Surely, one of the most ancient customs of the country—a custom introduced into our ancient common law—is the redress which an injured inhabitant of a hundred has upon those who dwell in the same district. This is merely an application of the same principle, founded, as I think, upon justice and convenience; and therefore I trust the House will not consent to its being repealed. The other points we have insisted upon are with regard to the taking of unlawful oaths and the sending of threatening letters.

These are the points on which we have insisted in this Bill, which I maintain is to preserve peace, but which is described as a measure to inflict coercion. Who could be injured—who ever has been injured—by any of the arrangements contained in these clauses? Who are the persons who send threatening letters in Ireland? Many of those letters are of a most mischievous and disastrous character, and are often characterized by a bloody truth which a very short time after a letter has been received is confirmed by the fact of assassination. Who is in favour of extending mercy toward such men, or who can be opposed to legislation against such practices? It is idle to tell us a story about the apprentice of a butcher or somebody who sent a threatening letter to his master, in order to get his wages increased. Of course, in such a case there is no question of human life; and there is no proposal which could not be made to appear ridiculous if it were illustrated by some extreme case of that kind. But we who know the state of Ireland—the House of Commons—who know that Ireland has suffered from the tyranny of threatening letters, will not be misled, I am sure, by remarks of that sort. These, then, are the points upon which we ask the House to support us in carrying this Bill. We do not attempt—we do not ask you, we do not wish you to interfere with the freedom of the Press. We do not ask you to re-establish the Curfew which some years ago you denounced with so much eloquence. We do not ask you to give to magistrates the power of summarily closing public-houses? But we do ask you to agree to restrictions upon arms, much milder than those which were proposed and carried by our Predecessors—restrictions which more or less prevail in almost every country, and which, as all agree, have been exercised in Ireland, whatever party has filled the counsels of Her Majesty, with temperateness and moderation. We ask you at the same time to assist us in preventing the taking of unlawful oaths and the transmission of threatening letters. We ask you again, what possible injury such legislation can inflict on any innocent being? and to remember what support, encouragement, and spirit it must give to the loyal subjects of Her Majesty. And now I come to the graver part of

this matter, as treated by the hon. and learned Gentleman—namely, the consideration of the Westmeath Act. That has been viewed in a very different manner by the various speakers who have addressed us from the other side of the House below the gangway. Hon. Members ought to be tolerably fresh in their recollections with regard to the origin of the present Westmeath Act. It is not a long period ago, though it was in another Parliament, that the foundation of this Act was laid. It is well, however, that the House of Commons should recollect the circumstances which attended its introduction and its passing. The state of Ireland in the county of Westmeath, and in some contiguous districts, was such as to create a considerable impression upon public opinion in this country. Crimes which had rarely been equalled in the most terrible period of agrarian outrage were frequent. Members came down to this House day after day to hear from authority that some outrage, some act of violence, had been committed, which seemed to show that that part of the country was in a state almost of dissolving civilization. What, then, was the course pursued? The Minister for Ireland at that time was the noble Lord who at present is Leader of the Opposition; and in a speech which I well remember—and of which I will say, even in his presence, that it was an admirable speech, both from its command of the facts which the House required and from the dignified and moderate tone in which his policy was recommended, though it was one of the most energetic character—the noble Lord proposed that a secret Committee should be appointed to inquire into the state of the disturbed districts. For myself, sitting on the bench opposite to the one I now fill, I did not approve a secret Committee, because the facts were so patent, all that was occurring was so well known, the remedies required were so urgent, that I thought a Government—and a powerful Government, such as the Government of the day was—ought to have acted on its own responsibility, and introduced a Bill into the House. I mention these circumstances, not because I expect the House to agree with my opinion, but to show the *animus* with which I, at the request of the noble Lord, became a Member of the Committee. The Com-

mittee sat, and the noble Lord was our Chairman. I know not whether all the evidence which came before us was printed. If I remember rightly, some of the documentary evidence was not made known. The Committee was powerful from the influence and ability of its Members, consisting, as it did, of men who represented all the great parties in the House and possessed their confidence; and, upon the evidence produced, we arrived at the unanimous conclusion that the measures which the noble Lord afterwards introduced, and which have been so frequently adverted to in the course of this debate, the greater part of them—the whole of them I may say—being still the law, should be adopted. Accordingly, they passed through the House of Commons unanimously. This legislation, then, with respect to the county of Westmeath, and the general policy then adopted for suppressing agrarian outrages there, was not merely the policy of a Minister, but was the policy of the House of Commons. All parties, represented by their chief men, were persuaded, on the grounds brought forward by a Minister well entitled to the confidence of the country, that there was in Westmeath and in the adjoining districts a dark conspiracy and sanguine confederation which had more or less existed for a century. We knew, before those discussions were finished, before those investigations terminated, who the very assassins were who were hired. We knew, I may say, who was the king of the assassins, the individual who exercised an irresistible power in that county over a panic-stricken people. Well, then, I say that policy was adopted by the House of Commons. It was their own policy, founded on the proposition of a secret Committee—at least a Committee of great reserve, because we sat with closed doors. The House of Commons was persuaded of the facts I have stated. They were not the transient incidents of a Session or a year. The evidence before us was that this was an ancient institution of murder, spoliation, and anarchy; and we knew we were dealing with that which the greatest energy and the greatest wisdom could not tame or subdue in the course of a few years. I say, then, it is idle for the hon. and learned Gentleman, and for other Members who have spoken in the

same spirit, to pretend that we have no evidence to justify us in again bringing forward and continuing what is called the Westmeath Act. The Westmeath Act must be continued from the conviction of the House of Commons of its necessity—a conviction founded upon the information obtained by the Committee, and from the deliberate, mature, and defined opinion of Parliament generally that this system of outrage must be put down. Well, Sir, I am surprised, remembering those days, remembering the deep interest in that Committee, remembering that when the House met every Member of the Committee was surrounded by his friends and companions who wished to obtain some information of the startling and terrible revelations that we had heard, remembering all that, was it not astounding—for it was only five years ago that that occurred—to hear hon. Gentlemen opposite—men, too, filling the great position of county Members, deeply and intimately connected with that part of the country, getting up in their places doubting, and more than doubting, the existence of the conspiracy; for one hon. Member told us he believed Ribbonism did not exist at all, and that there was nothing like a system of terrorism in Ireland—that the whole thing was an invention, or something to that effect. I think that was astounding. There was once a Member of this House, one of its greatest ornaments, who sat opposite this box, or an identical one, and, indeed, occupied the place which I now unworthily fill. That was Mr. Canning. In his time, besides the discovery of a new world, dry champagne was invented. Hearing everybody talk of dry champagne, Mr. Canning had a great desire to taste it, and Charles Ellis, afterwards Lord Seaford, got up a little dinner for him, care, of course, being taken that there should be some dry champagne. Mr. Canning took a glass, and, after drinking it, and thinking for a moment, exclaimed—"The man who says he likes dry champagne will say anything." Now, I do not want to enter into rude controversy with any of my hon. Friends opposite who doubt the existence of Ribbonism; but this I will say, that the man who maintains that Ribbonism does not exist is a man who—ought to drink dry champagne. Having touched upon a few points in this debate, and gathered

some few ears in a well-threshed field, I wish the House, before it votes, clearly to understand the issue before us. Hon. Gentlemen opposite can hardly suppose that it is very agreeable to our feelings to introduce Bills which they look upon as Coercion Bills. It is not agreeable nor is it flattering to the people of England that there should be a necessity for such Bills now in the Government of Ireland. If we declined to continue this legislation, for which, as Ministers, we are not responsible, I dare say that the Session would be calmer; and though I cannot doubt that, even if there were no Coercion Bills, the fervid imagination of Irish Gentlemen would not fail in introducing a sufficient number of agreeable grievances to relieve the dulness of our Parliamentary life, still I think they will acknowledge that had we not brought forward this measure our business would have been easier, at least for the Session. But hon. Gentlemen opposite argue as if it was the interest of an English Government to bring in Coercion Bills for Ireland. They argue as if the people of England were watching with eagerness the passing of this measure. On the contrary, they only, like us, regret the sad necessity for such proposals. But what in the present case I wish to impress upon hon. Gentlemen opposite is this—that we do watch these proposals with some satisfaction from the conviction that the spirit which animates them, instead of being a fierce and suspicious spirit, such as has often, I fear, in old days animated and inspired our legislation for Ireland, affords evidence of our desire to extend to that country the same friendship which we entertain for Her Majesty's subjects in England. But we cannot shrink from making proposals which we deem necessary for the preservation of order in Ireland. Hon. Gentlemen opposite can hardly hope that they can ultimately prevent this Bill being passed. They have given a fair opposition to it—I entirely acknowledge that. Nor do I myself for a moment wish that they should be debarred from an adequate opportunity of expressing their opinions. But if, when this measure is passed, they will in their counties assist us by conveying to the people there the assurance that these Acts are but a mitigated continuation of that unhappy policy which was inevitable under the

circumstances; if they will impress upon their constituents the conviction—which when impressed upon them by their leaders they will entertain—that there is in the Parliament at Westminster, and in this House of Commons, a *bond fide* wish to act well with our Irish brother Representatives, and to assist them in all their proposals which we believe are really for the advantage of their country—that this legislation which we are now proposing, and which the great majority of both sides of this House say with us is inevitable, is a solemn, though sad, duty, which we have inherited, and which, filling these places, our duty to the Queen requires that we should bring forward—if they will look upon it in that light, and acknowledge the necessity for passing it, they will find, I am sure, on both sides of the House a true sympathy with their sincere efforts for the advancement of Ireland in those many measures of which they have given Notice, some of which affect the rights and some the material interests of their country. They will find, I say, in the Parliament of England a sympathizing body who will feel proud when they confess that a true experience of the House in which they sit has proved to them that it is capable of representing the United Kingdom.

Question put.

The House *divided*:—Ayes 264; Noes 69: Majority 195.

Main Question put, and *agreed to*.

Bill read a second time.

AYES.

Adderley, rt. hn. Sir C.	Beaumont, W. B.
Agnew, R. V.	Bective, Earl of
Alexander, Colonel	Bentinck, G. C.
Anstruther, Sir W.	Beresford, Colonel M.
Antrobus, Sir E.	Biddulph, M.
Archdall, W. H.	Boord, T. W.
Arkwright, A. P.	Bourke, hon. R.
Arkwright, F.	Bousfield, Major
Ashbury, J. L.	Brassey, T.
Ashley, hon. E. M.	Bright, R.
Assheton, R.	Brown, A. H.
Astley, Sir J. D.	Bruce, hon. T.
Backhouse, E.	Burrell, Sir P.
Baggallay, Sir R.	Buxton, Sir R. J.
Balfour, A. J.	Campbell, C.
Barrington, Viscount	Cartwright, F.
Bassett, F.	Cave, rt. hon. S.
Bates, E.	Cavendish, Lord G.
Bateson, Sir T.	Cecil, Lord E. H. B. G.
Bathurst, A. A.	Chaine, J.
Beach, rt. hn. Sir M. H.	Chambers, Sir T.
Beach, W. W. B.	Chaplin, Colonel E.

Mr. Disraeli

Chaplin, H.
 Charley, W. T.
 Childers, rt. hon. H.
 Clarke, J. C.
 Clifford, C. C.
 Clive, Col. hon. G. W.
 Cobbold, J. P.
 Cochran, A. D. W. R. B.
 Colebrooke, Sir T. E.
 Conolly, T.
 Coope, O. E.
 Cordes, T.
 Corry, hon. H. W. L.
 Corry, J. P.
 Cross, rt. hon. R. A.
 Cuninghame, Sir W.
 Oust, H. C.
 Dalkeith, Earl of
 Dalrymple, C.
 Deakin, J. H.
 Denison, W. E.
 Dickson, Major A. G.
 Disraeli, rt. hon. B.
 Dodson, rt. hon. J. G.
 Douglas, Sir G.
 Dyott, Colonel R.
 Eaton, H. W.
 Edmonstone, Admiral
 Sir W.
 Egerton, hon. A. F.
 Egerton, hon. W.
 Elcho, Lord
 Fielden, J.
 FitzGerald, rt. hn. Sir S.
 Fitzmaurice, Lord E.
 Fitzwilliam, hon. C.
 W. W.
 Fletcher, I.
 Folkestone, Viscount
 Fordyce, W. D.
 Forester, C. T. W.
 Forster, Sir C.
 Fraser, Sir W. A.
 Freshfield, C. K.
 Galloway, Sir W. P.
 Gardner, J. T. Agg-
 Garnier, J. C.
 Gibson, E.
 Gilpin, Colonel
 Goldney, G.
 Goldsmid, J.
 Gordon, W.
 Gore, J. R. O.
 Gore, W. R. O.
 Gorst, J. E.
 Grantham, W.
 Grieve, J. J.
 Halsey, T. F.
 Hamilton, Lord C. J.
 Hamilton, I. T.
 Hamilton, Lord G.
 Hamilton, Marq. of
 Hamond, C. F.
 Hanbury, R. W.
 Hankey, T.
 Harcourt, Sir W. V.
 Harcastle, E.
 Hardy, rt. hon. G.
 Hardy, J. S.
 Hartington, Marq. of
 Hay, rt. hn. Sir J. C. D.
 Hermon, E.
 Hervey, Lord F.

Hick, J.
 Hodgson, W. N.
 Hogg, Sir J. M.
 Holker, Sir J.
 Holland, Sir H. T.
 Home, Captain
 Hope, A. J. B. B.
 Hubbard, J. G.
 Hunt, rt. hon. G. W.
 Jackson, H. M.
 James, Sir H.
 Jenkins, D. J.
 Johnstone, H.
 Johnstone, Sir H.
 Jolliffe, hon. S.
 Kavanagh, A. MacM.
 Kay - Shuttleworth,
 U. J.
 Kennaway, Sir J. H.
 Kensington, Lord
 Kinnaird, hon. A. F.
 Knight, F. W.
 Knowles, T.
 Lacon, Sir E. H. K.
 Laverton, A.
 Learmonth, A.
 Leeman, G.
 Lefevre, G. J. S.
 Legard, Sir C.
 Legh, W. J.
 Leith, J. F.
 Lennox, Lord H. G.
 Leslie, J.
 Lewis, C. E.
 Lindsay, Col. R. L.
 Lloyd, S.
 Lopes, Sir M.
 Lowther, J.
 Lusk, Sir A.
 Macartney, J. W. E.
 Macduff, Viscount
 MacIver, D.
 Mackintosh, C. F.
 McLagan, P.
 Mahon, Viscount
 Majendie, L. A.
 Makins, Colonel
 Manners, rt. hn. Lord J.
 March, Earl of
 Marjoribanks, Sir D. C.
 Marten, A. G.
 Mellor, T. W.
 Merewether, C. G.
 Mills, A.
 Mills, Sir C. H.
 Monk, C. J.
 Montgomerie, R.
 Montgomery, Sir G. G.
 Morgan, G. O.
 Mowbray, rt. hon. J. R.
 Mulholland, J.
 Naghten, A. R.
 Newdegate, C. N.
 Newport, Viscount
 Noel, E.
 Northcote, rt. hon. Sir
 S. H.
 O'Neill, hon. E.
 Onslow, D.
 Peel, A. W.
 Pell, A.
 Pemberton, E. L.
 Peploe, Major

Percy, Earl
 Perkins, Sir F.
 Phipps, P.
 Pim, Captain B.
 Plunket, hon. D. R.
 Plunkett, hon. R.
 Polhill-Turner, Capt.
 Powell, W.
 Praed, C. T.
 Praed, H. B.
 Price, Captain
 Puleston, J. H.
 Raikes, H. C.
 Read, C. S.
 Reed, E. J.
 Repton, G. W.
 Ridley, M. W.
 Ripley, H. W.
 Ritchie, C. T.
 Robertson, H.
 Rodwell, B. B. H.
 Roebuck, J. A.
 Round, J.
 Russell, Lord A.
 Russell, Sir C.
 Ryder, G. R.
 St. Aubyn, Sir J.
 Salt, T.
 Samuda, J. D'A.
 Sanderson, T. K.
 Sandon, Viscount
 Sclater-Booth, rt. hn. G.
 Scott, M. D.
 Seely, C.
 Selwin - Ibbetson, Sir
 H. J.
 Sherriff, A. C.
 Shirley, S. E.
 Shute, General
 Simonds, W. B.
 Smith, S. G.

Smith, W. H.
 Smollett, P. B.
 Somerset, Lord H. R. C.
 Stanhope, hon. E.
 Stanhope, W. T. W. S.
 Stanley, hon. F.
 Starkey, L. R.
 Steere, L.
 Storer, G.
 Taylor, rt. hon. Col.
 Torr, J.
 Tremayne, J.
 Turner, C.
 Vance, J.
 Vivian, H. H.
 Walker, T. E.
 Wallace, Sir R.
 Walpole, rt. hon. S.
 Walter, J.
 Waterlow, Sir S. H.
 Watkin, Sir E. W.
 Watney, J.
 Welby, W. E.
 Wellesley, Captain
 Whalley, G. H.
 Whitbread, S.
 Whitelaw, A.
 Williams, Sir F. M.
 Wilmot, Sir H.
 Wilmot, Sir J. E.
 Wolff, Sir H. D.
 Woodd, B. T.
 Wynn, C. W. W.
 Yarmouth, Earl of
 Yeaman, J.
 Yorke, hon. E.
 Yorke, J. R.
 Young, A. W.
 TELLERS.
 Dyke, W. H.
 Winn, R.

NOES.

Anderson, G.
 Biggar, J. G.
 Blennerhassett, R. P.
 Bowyer, Sir G.
 Brady, J.
 Brooks, M.
 Browne, G. E.
 Burt, T.
 Butt, I.
 Callan, P.
 Cameron, C.
 Carter, R. M.
 Chadwick, D.
 Collins, E.
 Conyngham, Lord F.
 Cowen, J.
 Dease, E.
 Digby, K. T.
 Dilke, Sir C. W.
 Dixon, G.
 Dunbar, J.
 Earp, T.
 Ennis, N.
 Errington, G.
 Fay, C. J.
 French, hon. C.
 Gourley, E. T.
 Harrison, J. F.
 Herschell, F.

Jenkins, E.
 Kirk, G. H.
 Lawson, Sir W.
 Lewis, O.
 Locke, J.
 MacCarthy, J. G.
 M'Kenna, Sir J. N.
 Martin, P.
 Meldon, C. H.
 Monck, Sir A. E.
 Montagu, rt. hn. Lord R.
 Moore, A.
 Norwood, C. M.
 O'Brien, Sir P.
 O'Byrne, W. R.
 O'Callaghan, hon. W.
 O'Clery, K.
 O'Connor, D. M.
 O'Connor Don, The
 O'Gorman, P.
 O'Keefe, J.
 O'Leary, W.
 O'Reilly, M.
 O'Shaughnessy, R.
 Plimsoll, S.
 Power, J. O'C.
 Redmond, W. A.
 Richard, H.
 Ronayne, J. P.

Shaw, W.
 Sheil, E.
 Sheridan, H. B.
 Simon, Mr. Serjeant
 Smith, E.
 Smyth, P. J.
 Stacpoole, W.

Sullivan, A. M.
 Swanton, A.
 Whitworth, W.
 Williams, W.
 TELLERS.
 Nolan, Captain
 Power, R.

SIR MICHAEL HICKS-BEACH said, he would put the Bill down for Committee on the 5th of April, with the view of then fixing the day.

MR. BUTT hoped that it would not be taken for a few days after that date.

SIR MICHAEL HICKS-BEACH said, the Committee would certainly be taken on that day.

Bill committed for Monday 5th April.

MUNICIPAL CORPORATIONS (IRELAND) BILL—[BILL 41.]

(Mr. Ronayne, Mr. Butt, Mr. Bryan.)

SECOND READING.

Order for Second Reading read.

MR. BUTT, in moving that the Bill be now read a second time, explained it was in the same form in which it left the Select Committee last Session, when it met with the approval of the Government. The object was to confer upon Municipal Corporations in Ireland some of the privileges possessed by the English Corporations.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Butt.)

MR. VANCE believed there had been an understanding that the second reading of the Bill would not be taken that night. The hour was late, and he moved that the debate be adjourned.

Motion made, and Question put, "That the Debate be now adjourned."—(Mr. Vance.)

The House divided:—Ayes 144; Noes 96: Majority 48.

ELEMENTARY EDUCATION PROVISIONAL ORDERS CONFIRMATION (CAISTER, &c.) BILL—(Lords)—[BILL 88.]

(Viscount Sandon.)

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(Viscount Sandon.)

CAPTAIN NOLAN moved the adjournment of the House, in consequence of

the course which the Government had taken with reference to the Bill of the hon. and learned Member for Limerick (Mr. Butt.)

MR. MELDON seconded the Motion, observing that the conduct of the Government merited the strongest condemnation.

Motion made, and Question proposed, "That this House do now adjourn."—(Captain Nolan.)

SIR MICHAEL HICKS-BEACH said, he was prepared to state the views of the Government on the Municipal Corporations (Ireland) Bill if the adjournment of the debate had not been proposed and carried. He intended shortly after the Easter holidays to move a Resolution with respect to the Bill.

THE MARQUESS OF HARTINGTON said, the Government ought to have endeavoured to prevent the Motion for the adjournment of the debate being carried.

MR. VANCE said, he moved the adjournment of the debate because there was not time to discuss the measure.

MR. BUTT said, he hoped that the Motion for adjournment would not be pressed. At the same time, he fully thought that the Government would have accepted the Bill.

MR. DISRAELI said, that when the House met again, the Chief Secretary would make a statement which might possibly be satisfactory to the House.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Bill read the third time, and *passed*.

EAST INDIA HOME GOVERNMENT (PENSIONS) BILL.—[BILL 74.]

(Lord George Hamilton, Mr. William Henry Smith.)

Order read, for resuming Adjourned Debate on Question [18th March], "That the East India Home Government (Pensions) Bill be re-committed to a Committee of the whole House, in respect of Clause 1."

Question again proposed.

Debate *resumed*.

Motion, by leave, *withdrawn*.

Bill *withdrawn*.

MERCHANT SHIPPING (LOAD LINE) BILL.

On Motion of Mr. NORWOOD, Bill to provide for the marking of a Load Line on British Ships; and for other purposes relating to the Survey of Ships, *ordered* to be brought in by Mr. NORWOOD, Mr. ASHLEY, Mr. EDWARD REED, and Mr. EUSTACE SMITH.

Bill *presented*, and read the first time. [Bill 106.]

JERSEY COURTS BILL.

On Motion of Mr. LOCKE, Bill to amend the Constitution, Practice, and Procedure of the Courts of the Island of Jersey, *ordered* to be brought in by Mr. LOCKE, Mr. WATKIN WILLIAMS, and Mr. H. B. SHERIDAN.

Bill *presented*, and read the first time. [Bill 107.]

House adjourned at One o'clock, till Monday, 5th of April.

HOUSE OF COMMONS,

Monday, 5th April, 1875.

MINUTES.]—New WRIT ISSUED—For Kirkcaldy District of Burghs, *v.* Robert Reid, esquire, deceased.

NEW MEMBER SWORN—Pandoli Ralli, esquire, *for* Bridport.

SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—*Second Reading*—*Referred to Select Committee*—Dover Pier and Harbour * [84].

Committee—Explosive Substances * [76]—R.P. *Committee*—*Report*—Marine Mutiny *; Bankruptcy (Scotland) Law Amendment * [7-108].

ARMY—LANDGUARD FORT.

QUESTION.

MR. BENTINCK asked the Secretary of State for War, Whether the information laid by the Attorney General against the lord of the adjacent manor, for severing a new pipe which conveyed water to Landguard Fort, has been proceeded with successfully; and, if he can state to the House when the War Office hopes to supply that Fort with water, and when it will be occupied by troops?

MR. GATHORNE HARDY, in reply, said, that the case against the lord of the manor was now in the hands of the Attorney General, and quite out of his control. It was before the Court of Chancery. Meanwhile the fort was not yet finished, or occupied with troops; and of course, while this dispute was pending, no steps had been taken to supply the fort with water from any other source.

COUNTY COURTS BILL—LEGISLATION.

QUESTION.

SIR EARDLEY WILMOT asked the Secretary of State for the Home Department, If it is his intention to introduce, during the present Session, the County Courts Bill of last Session?

MR. ASSHETON CROSS, in reply, said, it was the intention of the Lord Chancellor to introduce in the House of Lords, very shortly, a Bill which was substantially the same as that of last Session with respect to the subject referred to by the hon. Member.

“HANSARD'S DEBATES.”

QUESTION.

LORD ROBERT MONTAGU asked the Secretary to the Treasury, Whether Mr. Thomas Hansard receives any annual subvention out of any of the Votes for the publication of the Debates, or whether a number of copies are paid for out of public money; and, if so, how many copies are paid for, what sum is paid for them, and out of what Vote is the payment made; also what is done with the copies so paid for?

MR. W. H. SMITH: No annual subvention is paid to Mr. Thomas Hansard out of the Votes for the purpose mentioned by the noble Lord; but the Stationery Office purchases 120 copies a-year, which are paid for out of the Vote for that Department, at the rate of £5 5s. a set. These copies are furnished to the various Public Offices and to the Colonies.

Afterwards the noble Lord placed the following Notice on the Notice Book:—

“On Civil Service Estimates, Vote 25, Stationery and Printing, to move to reduce the Vote by £630, the amount paid annually to Mr. T. Hansard for 120 copies of the Debates.”

PARLIAMENT—THE SERJEANT AT ARMS—RESIGNATION OF LORD CHARLES J. F. RUSSELL.

MR. SPEAKER acquainted the House, that he had received from Lord Charles James Fox Russell the following letter:—

“House of Commons,
April 5th, 1875.

“SIR,—

“I have the honour to make application to you that you will be pleased to sanction my retirement from my Office, by Patent, of Her Ma-

jeesty's Serjeant at Arms attending the Speaker of the House of Commons. I have held this honourable Office for twenty-seven years, and I feel that the time is come when it is desirable that I should no longer retain it.

"I have the honour to be, Sir,

"Your very obedient Servant,

"CHARLES J. F. RUSSELL,

"Serjeant at Arms.

"The Right Honble.

"The Speaker."

SUPPLY.

Order for Committee read.

Motion made, and Question proposed,
"That Mr. Speaker do now leave the Chair."

ARMY—

ARTILLERY OFFICERS IN INDIA.

OBSERVATIONS.

COLONEL JERVIS, in rising to call attention to the position of British Officers ordered to proceed to India on Service, said, that about two and a-half years ago a Royal Warrant had been issued, by which captains of Artillery in command of batteries were promoted to the rank of major. It was distinctly stated at the time that this step was taken from motives of expediency, meaning, of course, that it was taken, not for the personal advantage of the officers, but in the interests of the Service. It was further ordered that they should receive pay equivalent to that of major of Infantry. To the surprise of the officers holding this position, however, when the Warrant was proclaimed in India, they were informed that while on the one hand they were to receive permission to hold the rank of major, they were only to receive the pay they had as captains. Frequent complaints had been made by them on the subject, and letters at various times had been addressed to the home authorities, but no answer whatever had been returned. He, therefore, wished to know who was responsible for seeing that British officers, ordered from this country to India, were duly protected in their rights and privileges? What he complained of had not occurred originally under the present Government. Since they had come into office the matter had been re-considered, and for the future these officers would find themselves in the position, and in the receipt of the pay to which they were entitled. He contended, however, that that concession

was not sufficient, for there was a certain etiquette which prevailed in all the branches of a profession. A man who had become Q.C. would not like to be employed as a junior counsel, nor the Secretary of State to receive the salary of his chief clerk. It had been stated that these men were in the receipt of certain contract allowances; but the matter had never been gone into by the authorities at the War Office or at the India Office. It was true that there were certain allowances attached to the field batteries and Horse Artillery in India, by means of which they had to carry out a considerable expenditure for the Government. But it was idle for any one to pretend, with the careful supervision of expenditure which there was in India, that if these men were pocketing what they were bound to spend on the public service, it would not have been found out years ago, and that the matter would not have been taken out of their hands altogether. There were about 54 horse and field batteries in India, and 26 garrison batteries. The garrison batteries had got no contingent allowances of any description; the majors simply retained their pay as captains. He maintained that the remedy ought to be made retrospective in its action, and that from the day the Royal Warrant came out, and these men were gazetted, they were as fully entitled when quartered in India to the pay of their majorities as any men in this country. If that were not so, what security had officers who might be sent out to any part of the world that they would receive the pay of the rank which they held? He thought, moreover, that it would be well if the authority responsible for such matters were more clearly defined, inasmuch as at present these men did not know what their rights were, or to whom to apply for redress when their rights were invaded. They looked now to the Secretary of State for War for protection, and he trusted the right hon. Gentleman would submit to the Law Officers of the Crown the question, whether the men for whom he spoke were not entitled to their full pay from the day when they were gazetted? There was an idea in the War Office that the Secretary of State for India was a sort of Shah, whose orders must be carried out whether right or wrong. But he (Colonel Jervis) had always looked upon all Secretaries of State as equal,

that they had simply to carry out their duties as Members of the same Government, and that the Government was responsible. He trusted that at length there would be an end to the differences which had existed for 18 years between the Government of India and the officers in that country, and which had caused an infinity of harm. Lord Salisbury, since he had come into office, had done his best to heal some very deep wounds; but what he (Colonel Jervis) wanted to know was this, what were the rules and regulations which applied to these officers, and who were the authorities to whom they were to look in this matter—the Commander-in-Chief at home, the Commander-in-Chief in India, the Secretary of State for India, or the Secretary of State for War?

GENERAL SIR GEORGE BALFOUR said, that he most cordially supported the Motion of the hon. and gallant Member for Harwich and urged that it would be a wise course on the part of the Indian Government to do away with all these petty differences of which these officers complained. No doubt, a better system might have been adopted by the War Office than that of promoting all captains who commanded batteries to the rank of major, whereby India was at once exposed to liabilities for augmentations of pay equal to nearly 50 per cent of the amount then drawn, and entailing a considerable charge on the Indian finances; but he agreed with the hon. and gallant Gentleman who had just spoken, that having given increased rank to these officers, it was only wise and prudent to give in India the pay and allowances of that rank. But that change involved a very much larger question as to how far it was right in principle to make great changes in the organization of the Army whereby the finances of India were obliged to bear burdens which need never have been imposed, if India had been allowed to retain its own Army; but now that the change had been enforced, he trusted that the right hon. Gentleman the Secretary of State for War would see whether the change which had been made could not be carried out without the great additional expense now created. It was not by petty savings, such as the one under consideration, that we could effect any real economy in the expenditure of India, for if money was to be saved, the Govern-

ment would have to adopt some sensible scheme of re-organization. For instance he would point out that we had now 28 very weak garrison companies of Artillery in India formed into four brigades, which burdened India with an inordinate number of superior officers. He thought that by a slight change in the Garrison Artillery formation, the right hon. Gentleman could do away with half of the garrison batteries by amalgamating the 28 batteries into 14, and then forming these into two brigades, and in that way relieve India from a vast expenditure. The important point to be borne in mind was, that whatever changes were deemed advisable in the organization of the Army, it was in every way most essential to prevent those changes from causing either officers or men to be dissatisfied.

COLONEL NORTH said, he agreed with some of the observations of the hon. and gallant Gentleman who had just sat down. He did not think anything was to be gained by withholding from officers the pay to which they were justly entitled. Such policy merely bred disaffection, and was productive of bad consequences, without contributing in any way to real economy.

MR. STEPHEN CAVE said, that this was a question which had been brought last year before the Committee of which he was Chairman. His hon. and gallant Friend the Member for Harwich (Colonel Jervis) would gather from what had fallen from the hon. and gallant General opposite (Sir George Balfour) that, a very much larger question than the pay of majors was involved. The hon. and gallant General had frequently brought the subject before the Committee, but it involved questions too wide to be discussed even then. In that Committee, however, this had been laid down very distinctly—namely, that we in this country ought not to trench on the finances of India without consultation with the Government of India itself. This case of Artillery majors was one which, as his hon. and gallant Friend probably knew, had been the subject of discussion between the War Office and the India Office, and the Secretary for War could not settle it by a stroke of the pen, as it was not a question of English pay, but of pay coming out of the Indian Exchequer. However much inclined they might be, the thing if done at all could

only be done after consultation with the Government of India. It was impossible to say more at the present moment on the subject.

ARMY—ARTILLERY—THE WOOLWICH SYSTEM OF RIFLING.—QUESTIONS.

CAPTAIN G. E. PRICE said, he had given Notice of his intention to ask Questions of the right hon. Gentleman the Secretary of State for War with reference to the manufacture of 81-ton guns and the application of the "Woolwich system" of rifling and projectiles to the 35-ton gun. He did not mean to enter into the scientific bearings of the question, but the system of rifling called the "Woolwich system," which was in reality French, had met with great opposition from very many able artilleryists. They were not satisfied that it was the right system. Experiments had been tried to test this in 1865 and 1866 with some large 7-inch guns, and as the result of experience it had been abandoned with all those guns which entered into the competition. But for all the larger guns, in which there was no competition whatever, this vicious system was retained. He therefore wished to know whether it was the intention of the Government to carry out the trials between the larger guns rifled on the present system. It was the fact that many of the larger guns had not proved at all satisfactory, and several of them had been returned as unserviceable. He wanted to know not only that the guns were to be rifled on a plan which was safe, but also that the shot fired from them should be made in such a manner that they would not break up in the gun. At present, the gunner never knew whether the inner tube of the gun would or would not crack, or whether the projectile would leave the gun in one piece or several. He begged to ask the Secretary of State for War, Whether it is proposed to manufacture any more 81-ton Guns; whether any 35-ton Gun had been tested to destruction, or what experiments of an exhaustive nature have been carried out with such a result as to satisfy the War Department with the application of the "Woolwich system" of rifling and projectiles to this size of Gun; whether the work done by the present 35-ton Gun is so superior to that done by the 25-ton Gun as to warrant the ad-

visability of building still larger Guns on the same principle; and, whether the Ordnance Department are now prepared to supply the Naval Service with shell calculated to withstand with safety the battering charges of the 18-ton and heavier Guns? The subject was one of great importance, and he hoped the right hon. Gentleman would be able to give a satisfactory answer.

CAPTAIN NOLAN, in rising to call attention to the present exceptional position of the country as regarded the manufacture of muzzle-loading ordnance, a system abandoned by the Continental Powers of Europe, said, in his opinion, they had displayed extraordinary courage, or rather hardihood, in thus defying the general opinion of those Powers. As a financial question, it was a matter of some importance, for it was proposed that year to expend £200,000 in the manufacture of guns, and the estimate for projectiles was £100,000. A large sum would be spent on the carriages of those guns, and also in adapting the fortifications to them. The latter could no doubt be adapted for breech-loading guns; but if we changed the system, the former amounts, in a great degree, would have been wasted. It was 14 years since we commenced the manufacture of rifled cannon, and our fortresses were not yet entirely armed with rifled pieces. If, therefore, we introduced breech-loading instead of muzzle-loading guns, it would take 14 years to replace the present guns with new and more advanced pieces of ordnance; and, in the end, probably £4,000,000 or £5,000,000 would be found to have been thrown away. But apart from financial considerations, we should incur great danger should we go to war with inferior guns, and find ourselves at as great a disadvantage as the French were in relation to the Prussians in the late war. There was an immense preponderance of opinion against us on this subject. Russia had devoted herself entirely to the adoption of breech-loaders. Having tried muzzle-loading guns on their own plan, and pronounced them a failure, the Russians, since 1866, had adopted the breech-loading principle. Since 1864 the Prussian Artillery had been partially armed with breech-loading guns; but at first muzzle-loading, smooth-bore guns were retained for one-third of the force. Immediately after Sadowa, however, it was reported that

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muzzle-loading, smooth-bore guns were useless, and that they were an encumbrance which was not compensated for by their power in action; and since then the Prussians had used breech-loading guns exclusively. Austria had, until lately, used both kinds of guns in her navy and for coast defence, with, however, a preponderance of breech-loaders, and now it had determined to exclude muzzle-loaders, and last year, in a panic, it experimented on a field-gun made by Krupp, which was a little better than the Prussian gun. The results of the practice were extraordinary, for it was found that the gun of which Austria hitherto had been proud, made only one-seventh of the number of hits at a target which were made by the new gun at 5,000 paces; one-eighth at 3,000 paces, and one-fourth at 2,000 paces; and the conclusion was arrived at that Austria would be helpless if it were opposed to Prussian breech-loading artillery. Turkey was influenced in her adherence to muzzle-loading guns by her extensive relations with England, and it had been said by a Turkish Pacha that he would not be persuaded even by an angel to take anything that was not manufactured according to Woolwich fashions; but since then the mother of the Sultan had presented the Army with Krupp guns, and breech-loaders had been exclusively adopted for their field artillery. Sweden adhered as long as possible to muzzle-loading guns, as best suited to her cast-iron manufacture, but she had now adopted breech-loaders. Belgium had been in favour of the breech-loading system for a long time. France had had breech-loading heavy guns for some time; but she went into the last war with her field artillery armed with muzzle-loading guns; and the return of the war showed that 10 per cent of wounded Prussians and 25 per cent of wounded Frenchmen were wounded by artillery fire, so that the Prussian guns were twice and a-half as effective as the French guns. That was the material effect, and, of course, the moral effect would be great among men who knew they were losing 50 men for every 20 they disabled. Italy had oscillated, but he believed now had adopted breech-loaders. Spain followed the example of France until the last war, when both sides, Carlists and Alfonsists, found muzzle-loading guns useless, and adopted

breech-loaders. Whatever arm they might adhere to in time of peace, each of these countries, when it entered into war, or found danger imminent, changed to the breech-loading system. Some people might say that such a subject would be better dealt with by a Scientific Committee. He (Captain Nolan) was not of that opinion, because the House of Commons had always displayed great power in comparing opinions; he thought, therefore, that they were fully qualified to deal with this subject. Scientific reports, moreover, had already been made in the case of other European nations, and it was on the strength of those reports that the system of breech-loaders had been generally adopted. It might be said that Holland still had some muzzle-loaders, but her principal gun for coast defence was a breech-loader. The United States was practically without an artillery system, and during the Civil War both sides used chiefly smooth-bore guns; but its Government had lately directed Captain Simpson, a naval officer, to inquire into the different systems of Europe; he had carefully studied the English method, devoting one of the two large volumes of his report to English Artillery; and he had reported strongly and decisively in favour of breech-loading. China, Japan, and Brazil followed our example, because they bought their guns in England without making independent experiments. Practically, we stood alone, in face of the military opinion of Europe, and also in face of the opinion of our own civil engineers, as expressed a few weeks ago at a meeting of their Institute, when all the speakers expressed a decided preference for the breech-loading principle, and the President stated further that Sir Joseph Whitworth and Sir William Armstrong were both in favour of it. As to our military authorities, unfortunately they made experiments and Reports while the question was in process of solution, and while Europe was divided in opinion, and if there were further reference to these authorities, it would be hard for them to go back on their previously-expressed opinions. For all these reasons, and because the question was so important, it was one for the decision of the Cabinet, who would not be free from responsibility if we suffered from an adherence to the muzzle-loading system

after all other countries had decided against it. Before entering upon the question of the relative superiority of the breech-loader and the muzzle-loader, it was necessary to clear the subject from extraneous considerations, such as the proper material of a gun and the nature of the projectile employed. When rifle guns were first introduced, each country had its own views as to the best metal. Prussia was in favour of steel guns. Sweden and the United States preferred their cast iron, which was better than that made elsewhere; while Great Britain, which was more celebrated for its wrought iron, tried to manufacture its guns from that material. It was then found that wrought-iron guns were not to be relied upon, and, eventually, only two metals were used—steel, or a mixture, as in this country, of wrought-iron with a certain proportion of steel. The performances of the projectiles employed, such as the number of men they might kill or the depth of iron plates they went through, were equally extraneous to the point at issue, because either breech or muzzle-loading guns might be made to show very destructive effects. The only superiority which he now claimed for breech-loading guns in regard to projectiles was in the absence of windage. The great superiority of breech-loading guns was in the diminished exposure of the men. He might illustrate that by referring to what happened when a sportsman had to fire at wild game from behind a bank. If after firing once, he wanted to try for another shot, he would have great difficulty in hiding himself from the game when he had to use a long and clumsy ramrod. So, in an engagement, three or four men had to stand in front of a muzzle-loader to load, ram down the shot, &c., and while they were thus serving the gun more men would always be shot than in serving a breech-loader. Perhaps in an engagement between two ships or two batteries not more than 30 or 40 additional men would thus be shot, and that might not be thought a large number; but the moral effect of losing the most skilled and the bravest men by exposure to fire would be great and of a cumulative nature, and, in the long run, men would not do their work so well when they were exposed as when they served under the cover of a breech-loading gun.

Captain Nolan

A muzzle-loader was loaded in one position and fired in another, and the same amount of cover could not be secured for both, except by adopting Major Moncrieff's invention, which no doubt made it as safe during loading as in firing. The fact, therefore, that the men were more exposed to destruction in serving muzzle-loading guns was the main reason why Continental nations had adopted the breech-loader. The question then arose as to which gun lasted the longest. The life of a gun must be measured by the number of charges it would fire, and these must not be what were called ordinary or full charges, but battering charges, which alone could be effective in active service, so far as armour-piercing guns were concerned. In reference to the point a Committee had reported that the difference of recoil, when two descriptions of charge were alternately employed, caused serious delay in loading, and they directed the use of the battering charge only in actual war. Then came the question, what number of battering charges could be safely allowed, and in regard to that point, the latest order which had been issued was, that guns over 10-inch were not to fire more than 100 battery charges without being sent to be re-examined. That appeared to him to be a small number of rounds, and in the case of a vessel sent abroad the limit would soon be reached. This great wear and tear of the muzzle-loader was caused by the erosion, and because the projectile could not exactly fit the gun. Now, foreign Governments had taken a great deal of trouble to ascertain the relative endurance of the two systems of guns, and there were some important experiments made at Tesel, in 1868, bearing upon this subject. The Prussians sent over for a 9-inch gun, and tried a 9½-inch gun against it. The first result was that the English gun beat the Prussian gun. The Prussians then altered the projectile and the powder charge of their piece, then the armour-piercing performances of both guns became practically equal—the Germans claiming a slight superiority. But what was the real result of this experiment? This fact was established, that the German gun possessed far the greater endurance. This question of endurance was one of great importance. The Eng-

lish muzzle-loader fired 200 or 250 rounds, then becoming unserviceable, while the Prussian gun fired 600 rounds, so that the Prussian gun lasted three times as long. Austria had also made a similar experiment expressly to check the last-mentioned result, by which it appeared that the English muzzle-loader at the 111th round became unserviceable, but the Austrian gun remained good. With reference to the Navy, he could not undertake to speak authoritatively, in the presence of so many naval officers. Here the question of relative speed became specially important, and he would not on this much debated point claim now a superiority for the breech-loader, although his own opinion was even here in its favour, but as with keepers in cover shooting, great skill and practice were necessary to load muzzle-loaders fast, while fair proficiency with the breech-loader was more easily attained. With the want of protection, however, to which he had already referred, the skilled men might very soon fall in action, and then the superiority so claimed would cease to exist. Captain Simpson, in speaking of the reasons for the adoption of the muzzle-loading gun by this country, said, that the Armstrong breech-loader having been found to fail, it was given up, and then arose a prejudiced belief that as we had failed in a solution of the problem, the problem must be necessarily incapable of solution. No efforts were made to adopt the system prevailing abroad, although the English mind was ready to embark in the breech-loading system. The Government, he added, committed itself entirely to the muzzle-loading system; the plant at Woolwich was adapted to the sole manufacture of that system of gun, and it would now require an immense superiority in the breech-loader to induce them to adopt that system. He (Captain Nolan) believed that other causes operated to bring about the present state of things. As people believed that the fact that the muzzle-loader had been adopted was in itself a proof of its being a better gun, he would point out that there were four causes which had induced England to adopt the system of muzzle-loading. In the first place, England had been accustomed for a short time, some four or five years ago, to use a very strong description of powder, thereby committing a

mistake, as was now admitted. The consequence was that we had short guns, and by that had lost some of the benefits we might otherwise have obtained. A different powder was now used, and we could employ long guns which obviously demanded a breech-loading arrangement much more than the shorter pieces. Again, the kind of breech-loader first adopted was one where the breech piece had to be lifted every time out of the gun before the ammunition could be introduced; and as our guns got heavier it became very awkward to lift the breech piece, and consequently it was found that for large guns this breech-loading system would not answer; but that reason did not act in any other country, because they had only to displace horizontally the breech-block. A further reason arose from our Indian position. In India the simplicity of muzzle-loading guns gave some undoubted advantages, and as muzzle-loading guns and ammunition could alone be manufactured in that country its Government had favoured muzzle-loaders, and it was directly through a Committee on Indian guns that we had first definitely pronounced for muzzle-loading. Another reason might be found in the Feathers decision that the Crown might adopt warlike inventions without compensating the inventors, which had prevented foreigners to a very great extent from introducing their inventions to this country. Prussia acted in very much the same manner with reference to foreign military inventions; but, on the other hand, she had been careful to try the systems in vogue in England. He would press a last reason of the greatest importance on the House. It ought to be borne in mind that, while we had adopted a system as regarded ordnance totally different from that of any other civilized Power, the science of artillery was continually progressing; and it was hard to say what country in Europe did not every year contribute to its advancement. It was therefore of great importance that the Government should consider every improvement, and exercise the greatest vigilance in order that the best system might be adopted, for while it was extremely difficult to introduce into the muzzle-loader the improvements effected from time to time in the breech-loader, other countries would probably be able to adapt to their

breech-loaders improvements originally devised for other breech-loaders. England in this matter had taken up an isolated position and was not able to adopt the improvements of other countries. In fact, we declared ourselves wiser than our neighbours without carefully testing those parts of their systems which we pronounced inferior. At the same time he believed, it was acknowledged that it was a mere question of time as to when we were to take up breech-loading, and therefore in adhering to our present system we were only postponing the evil day and putting off a change, which, when it did come, would, he feared, be a costly one.

LORD EUSTACE CECIL hoped that as the hon. and gallant Member for Devonport (Captain Price) had not favoured the House with a lengthy speech upon the subject he would excuse categorical answers to his Questions and that the answers would be satisfactory. To the first Question the Answer was, that it was proposed to manufacture more 81-ton guns, and he (Lord Eustace Cecil) believed one of the reasons was, that the Navy would very shortly require these very large guns. To the second Question, the Answer was, that no 35-ton gun had been actually tested to destruction, because it was not deemed necessary to do so; but long exhaustive experiments had been carried on with 35-ton guns, which combined with their experience had satisfied those most competent to judge of the matter that the "Woolwich system" was applicable to that sized gun. To the third Question the Answer was, that the work done by a 35-ton gun was so superior to that done by a 25-ton gun in the opinion of those who presided over the matter, that it was deemed advisable to build still larger guns on the same principle. To the fourth Question the Answer was, that the Ordnance Department had supplied the naval service with shell calculated to withstand 18-ton and heavier guns. As to the subject which the hon. and gallant Member for Galway (Captain Nolan) had brought forward with his usual knowledge and ability on these matters, he thought he might remind the hon. and gallant Gentleman that it was hardly ripe for discussion in the House of Commons. Opinion was very much divided, as the hon. and gallant Gentleman him-

self had admitted, upon these matters, though no doubt there was a certain amount of foreign scientific opinion in favour of his view. He (Lord Eustace Cecil) was talking now of English scientific opinion. He must remind the hon. and gallant Member that that was not the first time that we as a nation had embarked in a breech-loading system. We adopted in, he believed, 1858, the Armstrong breech-loading system. That system was very carefully tested, and after a considerable amount of trial it was gradually abandoned both by the Artillery and the Navy, and no breech-loading guns were manufactured after 1868. He need not enter into the defects of the Armstrong principle. It would take too long to enter into very minute detail with that subject; but he might say it was very carefully considered by a number of scientific Committees. The hon. and gallant Gentleman, who was a member of a scientific corps, would not throw any doubt on the value of the Reports of those Committees, because the officers who sat on them were of the highest experience and ability, and were as competent to give an opinion as any gentleman, whether of civil or military experience, in the country. The first Committee, which reported in 1864, was the Ordnance Select Committee, and their Report led to the adoption of the present Woolwich system. Then there was the Armstrong and Whitworth Committee, before whom both these inventions had a very fair trial, but the Report of the Committee was not in their favour. Then there was the Committee of 13 superior officers of the Royal Artillery, in 1866, and they were unanimous in recommending muzzle-loading field guns. Next there was the Dartmoor Committee of 1869, and they also reported in favour of muzzle-loading guns.

CAPTAIN NOLAN said, that that Committee was appointed exclusively to consider the question of shells, and had nothing to do with muzzle-loading and breech-loading.

LORD EUSTACE CECIL wished to pay due deference to the superior scientific knowledge of the hon. and gallant Member upon the subject; but still he must observe that, though the Committee did not directly report upon the question now under discussion, yet indirectly they did, and in a manner that was un-

Captain Nolan

favourable to the breech-loading system. Further, there was the India Committee upon field-artillery equipment, in 1870, who were in favour of the muzzle-loading gun. He believed the hon. and gallant Member stated, in the course of his remarks, that one of the reasons why we introduced the muzzle-loading guns was that India introduced them, and that we were obliged to follow suit. That might be so; but it was quite new to him (Lord Eustace Cecil), and he had never heard that it was one of the reasons which weighed with the authorities at the time. Then we came to the Committee of 1871 on muzzle and breech-loading guns, consisting of 11 officers, who with one dissentient only, stated that the muzzle-loading gun was superior in range and accuracy, in point of simplicity, facility of repair, easy working, rapidity of fire, and original cost. That Committee sat in full view of the affairs that had occurred on the Continent, and they were able to judge from practical experience of the merits of the two systems. The hon. and gallant Member would probably say that he was placing rather an official value upon these Reports, and that he might feel himself bound to support those who had reported to the Secretary of State for War, and therefore he would refer the House to the opinion of a gentleman who did not come within this range. The late Director of Naval Ordnance, Captain Hood, in his Report to the Admiralty, made some remarks of importance upon this question. He summed up a very able Report upon the two systems, and said that the points of the greatest importance in connection with these rival guns were strength, endurance, accuracy, and liability to accidents. As to strength and endurance, he stated that breech-loading weakened the breech; as to accuracy of firing, that the muzzle-loading gun was very satisfactory, and that the power of penetration was good, and had been greatly increased by the adoption of pebble powder. The operation of loading also was very much simpler in the muzzle-loader, and accidents with that weapon were far less likely to occur in action. No doubt it might be said—"How does this bear upon the fact that so many foreign countries had taken up this breech-loading system as against the muzzle-loading system?" To that question he would

say that there was nothing so successful as success. Man was an imitative animal. They all knew that Prussia was fortunate in the last war; she used breech-loading guns, therefore almost everybody jumped to the conclusion that breech-loading guns were the things with which to conquer their enemies. But upon a matter of this kind it was most essential that the Government should proceed with caution and care. They found that the Austrians, and even the Germans, were not quite confident about the success of the Krupp guns. It was certain that an extraordinary number of accidents, with loss of life, had year after year taken place in the German service, arising from the guns; and at Woolwich one of the Krupp guns burst upon the second loading. Whatever the future of Artillery manufacture might be, it was quite certain that the Krupp type of gun had not yet reached perfection. No doubt the hon. and gallant Member (Captain Nolan) had made some very strong observations in favour of the breech-loading gun, and had quoted the opinions of several distinguished officers bearing upon the same point, and had also said the Institute of Civil Engineers, as a body, had decided in the same direction; but in 1873 there was the report of a foreign officer, who said that, although the immediate future was for breech-loading, it was still perfectly certain that they should not adopt the gun loading by the breech, unless they could find one that was superior to all known guns that were loaded by the muzzle. The French Government also, in 1873, after a most exhaustive trial, said that the Woolwich service gun gave results which were not inferior to any other field gun in service in Europe. He (Lord Eustace Cecil) did not say that these opinions settled the question absolutely; but they did show that there was very great difference of opinion among the most competent judges, and would it not be wise under these circumstances—the question being of such very great importance, and there being the Reports of six Committees within the last nine or ten years, which were almost unanimously in favour of our present system—would it not be wise at the present moment to consider what might be the effect of some future invention in reference to the Krupp gun, before we remodelled the whole of our

Artillery system? He could not but think that if they took steps at once, they would raise the whole corps of inventors about their ears, and perhaps, after they had gone through many trials and incurred enormous expenditure, they would come back to the point where they were now. He did not think that at this moment the House, or, indeed, anybody else, was competent to arrive at a definite conclusion upon the matter. This, however, he would say, that the matter was one which was being constantly watched. He believed that the Artillery opinion of Woolwich was quiescent upon the subject at this moment; and he did not believe that there was any very strong opinion one way or the other. He recollected, indeed, having a conversation with the late Colonel Milward, who was a great supporter of breech-loaders, but he did not think that there was any very strong feeling about the question at Woolwich. As he had said before, scientific opinion generally was divided concerning it, and he therefore thought it would be best on the whole to let the question rest for the present; but this he was sure of, that his right hon. Friend the Secretary of State for War always took into consideration any evidence that was brought forward, and which would be really useful in enabling anyone to form a conclusion upon the question. He was quite certain that whatever foreign countries did would be known in this country; but the trials abroad were not always quite fair in reference to our guns as regarded the charges used, and the results indicated. That being so, hon. Members should not lay too much stress upon trials of guns abroad, unless they were perfectly certain that the conditions were perfectly equal in all respects. He felt certain that the hon. and gallant Member (Captain Nolan) would take into his consideration the difficulties of the subject; and, indeed, he had some hope that they might convert him to the opinion that the time for action in this matter had not yet arrived.

LORD ELCHO said, he thought the hon. and gallant Member for Galway (Captain Nolan) had done good service in calling attention to the subject, as both on board ship and in the field there was under the muzzle-loading system a needless exposure of life. That exposure should, he thought, be made an important point when discussing the compa-

rative merits of breech and muzzle-loaders. The chief point with which at present they had to deal, however, was the erosion of the gun. With regard to that point, he (Lord Elcho) was at the meeting of the Civil Service Engineers which had been referred to, and at that meeting there was a paper read upon the subject by Mr. Lancaster. The result arrived at was the fact that English-made breech-loading guns suffered greatly from the erosion caused by the generation of gases in the act of firing the guns. There was nothing better in the world than the external manufacture of Woolwich guns; but it was found that owing to the escape of gas between the projectile and the body of the gun there was such a rush of gas that the gun was destroyed in a comparatively few rounds. No doubt, great good would be done by calling attention to the question of guns; but the main point for consideration was the erosion of the gun. The Civil Service Engineers were of opinion that there was something radically wrong in our system of boring and constructing guns, because the life of Tube A—that was the inner tube—in the British gun was only about 375 rounds; whereas the life of the same tube in the Krupp gun had been proved to be 800 rounds. Manifestly there must be some defect in a system of rifling which produced results such as that, and he hoped attention would be paid to the subject. On the general question of muzzle-loading *versus* breech-loading, he ventured to think that as a vast amount of money had already been expended in carrying out the present system, it would be well, before adopting an entirely new plan, involving vastly-increased expenditure, to endeavour, either by an improvement in the system of rifling or some other means, to utilize the existing arms.

CAPTAIN G. E. PRICE gave Notice that, as the noble Lord the Surveyor General of Ordnance (Lord Eustace Cecil) had not answered his Questions in reference to ordnance and projectiles, he should repeat them on another occasion.

MR. CAMPBELL - BANNERMAN said, he agreed that the hon. and gallant Member for Galway (Captain Nolan) had done good service in directing attention to the subject, because, although he (Mr. Campbell-Bannerman) did not agree in his conclusions, it was unques-

Lord Eustace Cecil

tionably one of the most important questions connected with our military affairs. This country laboured under a disadvantage as compared with other countries with regard to the number of men, but we ought to be in a much better position than they were with regard to the *matériel* of war. The muzzle-loading system had not been adopted from any prejudice on the part of our naval and military authorities. When the question was first raised the breech-loading system was in favour, and it was only after a searching investigation by a series of Committees that the muzzle-loading system was adopted. If he remembered rightly, the principal Committee was all but unanimous in its recommendation on that point, only one Member doubting its expediency, and he did so on the ground that, in the case of siege guns worked in entrenchments, muzzle-loaders were more exposed in the act of loading than breech-loaders. They had, however, other than siege guns to provide, and in consequence of the scare in the Navy from the accidents that happened from breech-loaders, muzzle-loaders had to be supplied for that service, in place of the breech-loaders which had been manufactured for it at an enormous expense, and in consequence there were numbers of the latter lying useless at Woolwich at the present time. It was obviously advisable to adopt a system suitable for both services. As regarded field guns, there were one or two advantages which muzzle-loading field guns possessed, and which must be obvious even to hon. Members who, like himself, could pretend to no technical knowledge of the subject. He might point out that it was essential that field guns should be as simple in construction as possible. There should be nothing about them which was easily lost in a rapid movement, or which might require a skilled workman to repair; and there could be no doubt that the muzzle-loader possessed great advantages over the breech-loader in this respect. He did not see how there was more danger in loading one than the other; muzzle-loading might be a longer process than the other, but the risk to a man standing before a gun was not much greater than to a man behind it. All these facts were taken into consideration at the time by the War Office, with their eyes

open to what was going on abroad. There was great force in what the noble Lord the Surveyor General of the Ordnance had suggested, that because the Prussians were successful in the war of 1870, other nations jumped to the conclusion that by adopting the same system they also must be successful. He had no doubt that the War Office would be alive to any improvements that were being made, and they would not go on with the muzzle-loading system if they did not believe it furnished the country with the most efficient guns that could be had. The hon. and gallant Gentleman the Member for Galway (Captain Nolan) was, as he was informed, under a mistake with regard to India. It was not the fact that the muzzle-loading system had been adopted in this country out of respect to the Indian Government. An attempt was made to construct guns in India of brass; but it proved a failure, and the muzzle-loading guns now used in India were all made in this country.

MR. GATHORNE HARDY said, he had also to express the obligation of the House to the hon. and gallant Member for Galway (Captain Nolan) for having brought a subject of such importance before them. But he declined to follow the hon. and gallant Gentleman to his conclusions, for he found that the opinion of a series of Committees from 1864 down to the present time had been almost entirely in favour of muzzle-loading guns. In the case of field guns, there was an idea that it was safer to serve breech-loaders than muzzle-loaders; but that was open to question, for men behind guns were peculiarly subject to be killed by splinters in consequence of shot striking the gun or its carriage. As regarded durability, he found that there was a very general opinion in favour of muzzle-loaders. Guns of that description certainly possessed the advantage of simplicity, for in the case of breech-loaders accidents constantly happened from the breech being carelessly or hastily closed. As the amount annually spent by this country in the construction of guns was very large indeed—the total amount to be expended up to 1876 being £4,220,000—he deprecated any hasty re-opening of the question of the comparative merits of breech-loaders and muzzle-loaders. Captain Hood in his Report spoke specially of the safety of

muzzle-loaders both in ships and garrisons, where—in the latter—now they could be drawn within the mantlets and not exposed at the embrasures. In conclusion, he (Mr. Gathorne Hardy) would assure the hon. and gallant Gentleman that the matter had occupied the serious attention of the Government. Looking at what was going on in foreign countries, they were determined to keep their eyes wide open and not to shrink from any expenditure that might be incurred when they were certain of being in the right track.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) That a sum, not exceeding £2,039,300, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services, to the 31st day of March 1876: viz.

Class I.	
Great Britain:—	
	£
Royal Palaces	5,200
Royal Parks	18,000
Public Buildings	23,000
Furniture of Public Offices	2,600
Houses of Parliament	5,100
New Home and Colonial Offices	3,800
Sheriff Court Houses, Scotland	2,400
National Gallery Enlargement	2,300
Burlington House	500
Post Office and Inland Revenue Buildings	26,000
British Museum Buildings	1,500
County Courts	6,700
Science and Art Department	1,600
Surveys of the United Kingdom	22,200
Harbours of Refuge	1,300
Metropolitan Fire Brigade	2,500
Rates on Government Property	38,900
Wellington Monument	500
Natural History Museum	13,300
Metropolitan Police Courts	1,100
New Courts of Justice, &c.	12,700
Ramsgate Harbour	100
New Palace at Westminster—Acquisition of Lands, &c.	1,600
Ireland:—	
Public Buildings	29,500
Abroad:—	
Lighthouses Abroad	2,900
Embassy Houses and Consular Buildings	11,900
Class II.	
England:—	
House of Lords, Offices	7,300
House of Commons, Offices	8,300
Treasury and Subordinate Departments	9,500

Mr. Gathorne Hardy

Home Office and Subordinate Departments		£
Home Office and Subordinate Departments		14,600
Foreign Office		10,100
Colonial Office		5,500
Privy Council Office and Subordinate Departments		5,800
Board of Trade and Subordinate Departments		21,100
Privy Seal Office		500
Charity Commission (including Endowed Schools Department)		5,500
Civil Service Commission		3,500
Copyhold, Inclosure, and Tithe Commission		3,100
Inclosure and Drainage Acts Expenses		1,400
Exchequer and Audit Department		7,500
Friendly Societies, Registrars of		500
Local Government Board		116,000
Lunacy Commission		2,500
Mint		9,000
National Debt Office		2,800
Patent Office		3,600
Paymaster General's Office		3,800
Public Record Office		3,800
Public Works Loan Commission		800
Register Office, General		7,500
Stationery Office and Printing		80,000
Woods, Forests, &c., Office of		4,100
Works and Public Buildings, Office of		7,400
Secret Service		4,000

Scotland:—

Exchequer and other Offices	1,000
Fishery Board	2,000
Lunacy Commission	1,000
Register Office, General	1,100
Board of Supervision	13,300

Ireland:—

Lord Lieutenant's Household	1,100
Chief Secretary's Office	4,400
Boundary Survey	100
Charitable Donations and Bequests Office	300
Local Government Board	18,300
Public Record Office	900
Public Works Office	4,600
Register Office, General	3,100
General Survey and Valuation	3,600
Pauper Lunatics	20,000

Class III.

England:—

Law Charges	8,900
Criminal Prosecutions	30,000
Court of Chancery	28,800
Common Law Courts	10,300
Court of Bankruptcy	8,600
County Courts	66,600
Probate and Divorce Courts	15,000
Admiralty Court Registry	2,000
Land Registry Office	900
Police Courts, London and Sherness	2,300
Metropolitan Police	100,000
County and Borough Police, Great Britain	1,000
Convict Establishments in England and the Colonies	74,000
County Prisons, Great Britain	17,000
Reformatories and Industrial Schools, Great Britain	55,000
Broadmoor Criminal Lunatic Asylum	5,000
Miscellaneous Legal Charges	3,100

Scotland:—		£
Criminal Proceedings	11,400	
Courts of Law and Justice	9,800	
Register House Departments	5,300	
Prisons and Judicial Statistics	4,100	

Ireland:—		
Law Charges and Criminal Prosecutions	13,000	
Court of Chancery	7,200	
Common Law Courts	4,500	
Court of Bankruptcy and Insolvency	1,500	
Landed Estates Court	2,000	
Probate Court	1,900	
Admiralty Court Registry	300	
Registry of Deeds	3,000	
Registry of Judgments	500	
Dublin Metropolitan Police	22,500	
Constabulary	178,000	
Government Prisons	6,800	
County Prisons and Reformatories	15,000	
Dundrum Criminal Lunatic Asylum	1,000	
Miscellaneous Legal Charges	11,600	

Class IV.

Great Britain:—

Public Education	258,000
Science and Art Department	47,700
British Museum	17,900
National Gallery	1,000
National Portrait Gallery	300
Learned Societies, &c.	2,000
University of London	1,600

Scotland:—		
Public Education	59,000	
Board of Education	1,000	
Universities, &c. in Scotland	3,000	
National Gallery, Scotland	400	

Ireland:—

Public Education	75,700
Commissioners of Education (Endowed Schools)	100
National Gallery	400
Royal Irish Academy	300
Queen's University	700
Queen's Colleges	700

Class V.

Diplomatic Services	36,000
Consular Services	41,300
Colonies, Grants in Aid	7,100
Orange River Territory and St. Helena	600
Slave Trade, Commissions for Suppression of	600
Tonnage Bounties, &c.	2,000
Emigration	900
Treasury Chest	800

Class VI.

Superannuation and Retired Allowances	70,000
Merchant Seamen's Fund Pensions, &c.	6,100
Relief of Distressed British Seamen	5,000
Hospitals and Infirmarys, Ireland	3,100
Miscellaneous Charitable Allowances, &c. Great Britain	800
Miscellaneous Charitable Allowances, &c. Ireland	800

Class VII.		£
Temporary Commissions	3,100	
Deep Sea Exploring Expedition	600	
Arctic Expedition	200	
Miscellaneous Expenses	1,000	
		<u>£2,039,300</u>

(2.) That a sum, not exceeding £1,282,000, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Revenue Departments to the 31st day of March, 1876, viz.—

	£
Customs	166,000
Inland Revenue	282,000
Post Office	506,000
Post Office Packet Service	146,000
Post Office Telegraphs	182,000
	<u>£1,282,000</u>

(3.) £150,000, Army Purchase Commission.

MR. GATHORNE HARDY explained that this was in reality a Civil Service Estimate of which due Notice had been given.

Vote agreed to.

SUPPLY—ARMY ESTIMATES.

(4.) £51,100, Divine Service.

COLONEL ALEXANDER said, he would take advantage of that occasion to say that when the right hon. Gentleman the Secretary for War announced the retirement of the present Chaplain General to the Forces, on whose distinguished services he had passed a high eulogium, he had not informed the House who was to be his successor. It had, however, been naturally inferred, and he (Colonel Alexander) ventured to point out, that gentlemen with the necessary qualifications for the post were to be found among the existing chaplains of the Army of the first class. He did not wish to draw invidious distinctions, but taking the names of the first six gentlemen in that class—the Ven. Archdeacon Wright, who had served 21 years, including service in the Crimea; the Rev. J. E. Sabin, who served in the East in 1854; the Rev. C. Green, who had been in the service since 1846; the Rev. H. Huleatt, who had served in 1854 in the Crimea, and in China from 1857 to 1859, when he was dangerously wounded; the Rev. C. J. Hort, the Rev. E. J. Rogers, and the Rev. R. Halpin, chaplain to the Forces in London—he found

they had served for long periods in the most meritorious manner. He considered, therefore, they had been very unfairly treated in being passed over in favour of a gentleman who, however distinguished, had no connection whatever with the Army. Notwithstanding their gallant, distinguished, and meritorious services, it appeared that they were considered totally incompetent to perform the duties of Chaplain General to the Forces; at least, as much might be inferred from the circumstance that a civilian had been selected for the appointment, for a retired colonial Bishop had been appointed, who had, he believed, written a very interesting treatise on the Thirty-nine Articles, and also some letters to Lord Derby on the subject of Convocation. The six chaplains to whom he had referred were, under the circumstances, he could not help thinking, entitled to say "Other men laboured, and ye are entered into their labours." *Sic vos non vobis nificatis aces*. A slur had, he was afraid, been cast upon them which would tend to humiliate them in the eyes of the Army.

COLONEL NORTH said, he felt bound to state that the new appointment was one which had given the greatest pain to the Army, although he felt confident his right hon. Friend at the head of the War Office never contemplated that it would have had any such result. In the case of Archdeacon Wright, especially, it had been regarded as a slur. He had always regretted that when the Army returned from Ashantee, when others were receiving rewards, nothing was done for the chaplains who accompanied the troops. He hoped the subject would yet be considered by those who had the means of rewarding merit by promotion in the Church.

MR. GATHORNE HARDY said, the observations which had just been made on the subject had taken him quite by surprise, and he must disclaim the slightest intention of casting any slur on the chaplains of the Army. In selecting the person who had been chosen, he had acted solely from a desire to do that which would best promote the interests of the chaplains themselves, for it was pressed upon him that difficulties had constantly arisen when Episcopal authority was desirable, and, indeed, the Chaplain General had to exercise,

to a certain extent, *quasi*-episcopal functions on many occasions; and he was advised that it was desirable, in consequence, that a person possessing the requisite authority in that respect should be selected for the office. Those were his sole reasons for making the selection to which objection was taken, for he was quite as much alive as his hon. and gallant Friends to the services which had been rendered to the country by the chaplains of the Army both at home and abroad.

GENERAL SHUTE expressed a hope that the eminent services of Archdeacon Wright, who was at the head of the list, would receive some recognition.

SIR HENRY HAVELOCK said, no body of men deserved better of the Army or of the country than the Army chaplains, and, whilst giving the right hon. Gentleman credit for his good intentions, he could not help thinking that the selection of a gentleman altogether outside the Army would be regarded by many of them as most painful and invidious. The late Chaplain General's great value to the Army arose from the long knowledge of soldiers which he acquired during the Peninsular War; and amongst the military chaplains now superseded there were many who had established strong claims in the same manner.

Vote agreed to.

(5.) £26,700, Martial Law.

COLONEL ALEXANDER suggested the expediency of increasing the salaries of the officials of military prisons, and especially the salaries of the governors and the chief warders, who had duties thrown on them requiring great prudence, tact, and moderation, combined with firmness, for their due performance. Notwithstanding the great rise in the price of provisions, their salaries had not been raised for 25 years. He hoped that next year the Government would be able to see their way to raising the salaries of the governors from a maximum of £350 to one of £400, and those of the chief warders from 5s. 8d. to 6s. 6d. per day.

Vote agreed to.

(6.) £248,700, Medical Establishments and Services.

MR. DUNBAR appealed to the Secretary of State for War to give some

Colonel Alexander

assurance that the grievances of the medical officers of the Army, which he understood were now under the right hon. Gentleman's consideration, would be redressed as speedily as possible, whether by the issue of a new Warrant or otherwise.

MR. GATHORNE HARDY said, the case of the medical men had been constantly under his consideration, but there was so much difference among those gentlemen themselves as to what their grievances were, and also as to how they ought to be met, that it was difficult to arrive at a clear judgment on the question. He found himself deluged with pamphlets, in which the most opposite views were urged, and these were all of them written by men of eminence in their profession. There were, however, some points in reference to which he should be able to grant some advantages, and he hoped to be able to do that in the course of the present year.

Vote agreed to.

MR. GATHORNE HARDY said, he proposed to postpone the Vote for the Militia, in consequence of the absence at quarter sessions of some hon. Members who would have taken part in the discussion of it. He would give Notice of the day on which it should come on.

Vote postponed.

(7.) £78,900, Yeomanry Cavalry.

COLONEL ALEXANDER said, that the horse tax, from which the Yeomanry Cavalry used to be exempt, having been abolished, that Force had now no special encouragement offered to it. He would like to know whether the right hon. Gentleman was prepared to give some further encouragement to men to come forward to serve in the Force?

MR. F. STANLEY said, his right hon. Friend the Secretary of State for War had under his consideration various schemes for the amelioration of the Yeomanry Cavalry, and it was his intention very shortly to appoint a Committee, consisting partly of officers of the Yeomanry, partly of Members of both Houses of Parliament, and partly of officers of the Army, which would meet at the end of that week, or shortly afterwards, to inquire into the various points that were necessary for bringing the Yeomanry into harmony with the other defensive Forces of the country. It was

probable that among the various matters brought before them, there would be that of the difference made in the position of the Yeomanry by the abolition of the horse tax.

MR. GOURLEY believed that under the present system the money voted for the Yeomanry was entirely thrown away. They were brought out only seven days in the course of the year, and their actual drill did not exceed four and a-half days, which was quite insufficient to make the Force what it ought to be. He would suggest that it should be trained in conjunction with some of the other Forces of the country.

GENERAL SIR GEORGE BALFOUR asked the Secretary for War if he would add in future in the Appendix to the Army Estimates a statement of the Forces of Volunteers, Yeomanry, and Militia, so as to show the establishments by ranks and numbers of the Militia Artillery and Militia Infantry regiments; also of the Volunteer battalions and Yeomanry, classifying them each under the counties to which belonging, or in which raised, with the number of companies, batteries, and troops? He believed that this information would be of advantage by showing the extent of Forces available in the several localities, and facilitate the labours of those who might wish to show how easy it was to increase these Forces.

SIR HENRY HAVELOCK hoped the Committee which was about to sit would be directed to take into special consideration the position of Adjutant in the Yeomanry.

GENERAL SHUTE said, he could not agree with the belief that had been stated by the hon. Member for Sunderland (Mr. Gourley). He was of opinion that the Yeomanry had within it the elements of rare usefulness. He had made many notes respecting several corps; but as a Committee was to be appointed, it would be needlessly taking up time to enter into the subject now.

MR. GATHORNE HARDY said, that the Committee which would inquire into the matters which seemed to prejudice the usefulness of the Yeomanry would be an informal body, composed of gentlemen connected with that service and of Members of both Houses. To a remark of the hon. and gallant General opposite (Sir George Balfour) he replied that, as the prospective strength of the

Yeomanry was given in the general annual Return of the British Army, there was no need to give it in the Vote.

LORD ELCHO said, he would suggest that it might be advantageous to have the Yeomanry drilled on the same principle as Colonel Bowyer's Hampshire Horse. An officer had declared, after inspecting the latter, that—although it might be heresy on his part—he was bound to say that with a considerable force of men so trained, it would be impossible for an enemy's artillery to traverse the country.

Vote agreed to.

(8.) Motion made, and Question proposed,

"That a sum, not exceeding £437,200, be granted to Her Majesty, to defray the Charge for Volunteer Corps, which will come in course of payment from the 1st day of April 1875 to the 31st day of March 1876, inclusive."

LIEUT. - COLONEL NAGHTEN said, that the uniform of a Volunteer Artillery officer was exactly the same as that of an officer of the Militia Artillery. He would suggest there ought to be some distinction; for as one of the latter, he had been taken for an officer in the Volunteers. The state of the uniform of some of the corps ought to be taken into consideration and improved. In some instances it was very bad.

SIR ANDREW LUSK held that the Volunteers ought to receive a little more encouragement than they did. They formed a public force of 160,000 men ready to serve in defence of the country, and gave a great deal of time and labour to qualify themselves for military duty. Government, in fact, had treated them very hardly, for it required them to be efficient—to be equal, in truth, in some respects, to men of the Line—but nothing was said about a little more allowance to pay expenses. He feared conscription would yet become necessary in this country, and, perhaps, the evil day might be averted by being a little less stingy to the Volunteers. He had no present proposal to make; but he thought the amount of the Vote might be profitably increased.

MR. GOURLEY thought the efficiency of the Volunteers would be increased if they were required to bind themselves for six months instead of, as at present, for only 14 days, and if they were drilled for seven days annually with the men of

the Line and of the Militia. There was an item of £2,800 for "payments to clerks of lieutenantancy," and, as the duties formerly performed by these officers of issuing commissions was now done through the War Office, and not through them, he would move that the Vote be reduced by that sum. These gentlemen were receiving £75 a-year in Militia regiments, and £55 a-year in Volunteer regiments, for which they literally did nothing.

Motion made, and Question proposed,

"That the Item of £2,800, for the payments to Clerks of Lieutenantancy, be omitted from the proposed Vote."—(*Mr. Gourley.*)

GENERAL SIR GEORGE BALFOUR supported the Amendment, and most sincerely hoped that the hated and vile Continental system of conscription would not be resorted to in this country, except in the case of absolute necessity, and, in order to guard against any pressure, he trusted that the Government would avail themselves of an efficient organization, equal to that which the Foreign Governments have been obliged to establish over the country for the purpose of conscripting the young men, so as to secure the services of volunteers as far as possible instead of waiting till forced to resort to that most objectionable expedient. Such a course would be unnecessary if encouragement was given to the raising of local Volunteers and Yeomanry, and sufficient publicity given as to the places in which they were located. With that view, he should be glad if the Government would consent to furnish Returns of the number of the battalions, batteries, and corps of Militia, Yeomanry, and Volunteer regiments and of the districts in which they were raised, together with the number of males of the Militia age within these various areas, in order that the nation might be alive to the extensive resources in men which could be utilized in case of need in defence of the country.

MR. WHITWELL said, that the number of Volunteer sergeants drawing the additional £2 10s. for having passed their examination showed a considerable increase of efficiency in the Force, which afforded a very excellent substitute for conscription in this country. He thought the public were scarcely aware of the great pains taken by these sergeants to

Mr. Gathorne Hardy

enable them to pass their examination. He also thought that the Volunteers should be utilized more than they had been hitherto; and that the different Forces in the various brigade districts should be drilled together more frequently than they were at present, under the command of the military officer in charge of the district.

LORD ELCHO said, that if the position of adjutants of the Yeomanry with regard to retirement were taken into consideration, he hoped the position of the adjutants of the Volunteers would also be considered, with the view of placing them on the same footing as adjutants of the Militia. The hon. Baronet the Member for Finsbury (Sir Andrew Lusk) had spoken very kindly of the Volunteer Force; but he had used expressions from which it might be inferred that its members were paid for their services. He (Lord Elcho) wished it to be clearly understood that the Volunteers received nothing for their services, and that the whole of the capitation grant was expended in defraying the regimental expenses. When the late Secretary for War, instead of increasing the general capitation grant to the Volunteers, proposed to pay an additional sum of £2 10s. for every Volunteer officer and sergeant that passed his examination, he confessed that he had not sufficient faith in their zeal and that he thought that the scheme would fail. He was happy, however, to say that Lord Cardwell was right and that he was wrong in the opinion they had formed on the subject. He thanked the present Secretary for War for the concession he had made during the past year in permitting Volunteer officers who had served in their regiments for a certain period to retain their rank and to continue to wear their uniforms after they had ceased to take an active part in the corps. In this manner, gentlemen would be able to keep up a most beneficial connection with the corps in which they had formerly served. In his opinion the present capitation grant was sufficient.

COLONEL MAKINS asked for increased opportunities for the Artillery Volunteers at Shoeburyness to pass a week in camp. Hitherto they had always been crowded, and he was aware that space was small; but there might with advantage be three or four meetings in the year. He also would ask whether the

Government could not see its way, instead of giving an increase of capitation grant, to serve out great coats to the Volunteers, so as to enable them to drill with more comfort in the winter months.

COLONEL MURE considered the Volunteer adjutants had just cause of complaint. In many respects they were in a worse position than the adjutants of Militia, and in some parts of the country they had an enormous amount of work to perform. He would also suggest the advisability of increasing the sum granted for regimental camps. From his own experience, these camps were most serviceable. They increased the popularity of the service, and by bringing men and officers together for a longer period tended towards better discipline, good conduct, and sobriety. His own battalion in the neighbourhood of Glasgow had had one of these camps for the last two years. The rank and file performed all their own civil work, and upwards of 300 officers and men, together with himself, slept in the camp every night. The result of the continued drill of 14 days in the one year and 10 days in the other was very remarkable. It made a battalion which had always been considered fairly efficient very efficient indeed. By it the men were better kept up to practice, more orderly, and the officers had a better opportunity of becoming personally acquainted with them. He further thought it would be of great advantage if some small subsidy was granted for great coats. These could be kept in the drill-shed, and the effect, in his opinion, would be not only to induce men to join a corps, but those already connected with it would attend drill oftener. As to the question of officers retaining their rank after leaving a regiment, he would suggest that old quartermasters of the regular Army should have the same privilege accorded to them which had been given to the Volunteer officers.

MR. A. P. VIVIAN pointed out that when the corps composing an administrative battalion were situate at a great distance from one another, the work imposed on the adjutants was enormous.

SIR ANDREW LUSK said, that inasmuch as the rank and file of the Volunteers gave much valuable time and labour to this service they ought to be fairly recognized, and he did not see why they should do their work for no-

thing, besides having in so many cases to pay money out of their own pockets.

MR. GATHORNE HARDY said, that some of the suggestions which had been made, though useful in themselves, might wait a little while longer for consideration and adoption if thought advisable. He thought that every reasonable encouragement should be given to the Volunteers; but he was surprised that the hon. Baronet the Member for Finsbury should propose to give them pay, which would deprive them of their Volunteer character, and hoped he would use his influence with his friends to increase their liberality in other directions in which they were not so ready to bestow it. The question of their payment must be considered, if at all, on some other occasion than the present. As to regimental camps, he agreed with the hon. and gallant Member opposite (Colonel Mure) that they were useful and popular, and he was anxious, therefore, that they should be encouraged. No pressure, however, had been put upon the War Office to furnish an additional number of them. With regard to the Motion of the hon. Member for Sunderland (Mr. Gourley), he wished to state that it was necessary to keep the clerks of lieutenantancy in existence as long as we had to consider the quota of the Militia. The whole question of quotas would, however, have to be considered at some future time, though not during the present Session, with a view to the system being placed on a better footing. With regard to the Volunteer adjutants, there had been considerable delay in consequence of the change of the Inspector General of the Auxiliary Forces, and things had not gone on so fast as they would have done if Sir Garnet Wolseley had remained in England. The adjutants had accepted their office subject to the existing conditions on which they held it, and although there were some anomalies, there was nothing exceptional in their position generally. The whole question was, however, being carefully considered. With respect to the suggestion of his hon. and gallant Friend behind him (Colonel Makins), that an extension of time should be given for Volunteer Artillery practice at Shoeburyness, he had to say that their practice there had at all times been most favourably reported upon; but it was feared that to

give more time would interfere with the necessary training and practice of the regular Artillery. The matter had, however, been brought under his notice, and he should be most anxious, as far as he could, to meet the desire which had been expressed. The question as to great coats would require grave consideration.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(9.) £121,700, Army Reserve Forces (including Enrolled Pensioners).

LORD ELCHO asked the right hon. Gentleman the Secretary for War to specify the proportion of men contained in the different classes, distinguishing them from Enrolled Pensioners.

MR. GATHORNE HARDY said, the number of men in the First Class of 1870 was 7,676, and Class 1 of 1867, who were dying out, numbered 153—making 7,829; Class 2 of 1867 comprised 676 men; the Reserve of 1859, 1,991 men; and Enrolled Pensioners, 19,328—total, 21,995. That did not include the Militia Reserve. Class 2 of the Reserve were not liable to service abroad.

SIR HENRY HAVELOCK said, that there was considerable question as to the real existence of these Reserves. He could not say that he shared in that apprehension. He believed that in all cases where they had been actually called out, they had responded to almost the whole of their strength. A rumour, however, had gone abroad that in Ireland last year, when 500 of the First Army Reserve were called out, not more than 50 responded to the call, the fact being that the men were not ordered to come out, but offered the option of doing so.

MR. GATHORNE HARDY said, the First Class Army Reserve had never been called out peremptorily. They were merely asked to volunteer on the occasion referred to.

SIR HENRY HAVELOCK said, he thought it worth while considering whether something might not be done to ascertain that these Reserves were really effective, and could be relied upon when they were wanted. At present it was thought advisable that they should not be called out unless there was some strong necessity; but it would be well to arrange that the whole body of Reserve

Sir Andrew Lush;

should be called out once a-year for three or four days, so that the country might have some evidence of their existence.

COLONEL MURE said, there had been a misapprehension throughout the country with regard to the First Class Army Reserve. He had heard an extraordinary rumour to the effect that if the Reserve Force failed to come out in time of war, there was an actual intention on the part of the authorities to offer them bounties as an inducement to them to fulfil their contracts. There had always been a presentiment in the country that although these men might come out to play, they might not come out for work. It was well known that we drew the men for our Army from a very low section of the labouring classes, and it was also well known that desertion from the Army was not looked on as a serious offence. That showed that there was an excessively low moral tone in the Army, and that being so, it was a question whether the men of the Reserve Force would come out in the event of their being actually required. Reserves were very admirable when they had a higher class of men—for example, in countries where they had the conscription—but in this country they recruited mere lads, who, going into the Army with hardly any tie connecting them to respectable civil life, could hardly be expected to have any whatever by the time they got into the Reserve Force. The authorities had no control over these men. A great many of them would be physically unfit for service, a great many would probably not come out, and probably only a few good men would be forthcoming. The rumour as to the bounties to which he had referred had come to him on authority he could not ignore, and therefore it was that he mentioned it to the Committee. [Mr. GATHORNE HARDY dissented.] He was glad to see the Secretary for War shake his head at it; because it showed that he, at all events, did not contemplate such a monstrous and demoralizing course of procedure. If anything of the kind were intended, he thought it should be stated at once, but to resort to it on an emergency as a bribe to men to join the Army and fulfil their contracts would be simply offering a premium on military felony.

MR. GATHORNE HARDY thought the sooner he replied to the statement

the better. It was news to him to learn that anybody proposed to give a bounty to men to join their colours who were already bound to do so when required without any bounty. There was no truth in the rumour referred to; though, of course, it might become necessary hereafter to alter the conditions of service in the Reserve, and in that case, perhaps something would have to be done.

SIR ANDREW LUSK wished to ask, why we were to find pay for 12,000 enrolled pensioners in Western Australia? One would think the Western Australians would themselves pay for their own war requirements. What were these men doing? Perhaps they were attending to the sheep in the back country.

MR. GATHORNE HARDY said, they were attending to the black sheep we sent out there. That remark applied to those under letter D. The others were effective men, who were not enrolled in the sense of being enrolled in the Army but were effective men for garrison or the easier duties of a soldier's life, if their services should be required.

Vote agreed to.

(10.) Motion made, and Question proposed,

"That a sum, not exceeding £368,700, be granted to Her Majesty, to defray the Charge for Commissariat and Ordnance Store Establishments, Wages, &c., which will come in course of payment from the 1st day of April 1875 to the 31st day of March 1876, inclusive."

GENERAL SIR GEORGE BALFOUR said, as this Vote showed the recent change in the designations of the officers of the Supply Department, he regretted the alteration, and that it should have been decided to abolish the Control Department. It was formed during the former administration of the present Prime Minister, and during the earlier portion of its existence, from the support and aid it had first received, it had been found so efficient in keeping down our military expenditure. He must say that it had been subjected to opposition from quarters bound to aid it, and it had failed to receive that formation which would have rendered the control permanently useful. All he could add was, that he hoped the Secretary of State would provide some machinery by which that tendency to increased military expenditure which came every day under his notice would be kept down.

MR. GOURLEY said, it was perfectly outrageous that the taxpayers of the country should be called upon to pay persons for molesting innocent women, as he considered the police did in enforcing the provisions of the Contagious Diseases Acts. He wished to prevent such cases as that of the late Mrs. Percy, the actress, who committed suicide rather than come under the operation of those Acts. In that view, he should move the reduction of the Vote by the sum of £4,750, the expenses of the police in carrying them out.

Motion made, and Question proposed,

"That a sum, not exceeding £363,950, be granted to Her Majesty, to defray the Charge for Commissariat and Ordnance Store Establishments, Wages, &c., which will come in course of payment from the 1st day of April 1875 to the 31st day of March 1876, inclusive."
—(Mr. Gourley.)

MR. GATHORNE HARDY said, it was impossible to bring in these Estimates without putting in the charge in question. He was acting under an Act of Parliament which provided that that should be done, and as long as that Act remained unrepealed in putting this sum on the Estimates he was only discharging a Ministerial duty. Further, it was absurd to pass an Act for a certain purpose, and then to refuse the money necessary to carry out that Act. The whole question, however, would be soon raised by a right hon. Gentleman who was about to bring in a Bill on the subject, and when that time came, he (Mr. Hardy) would be prepared to express his opinion. The hon. and gallant Gentleman opposite (Sir George Balfour) was under a misapprehension in thinking that the Control Department had been abolished. It was only the name, which had led to an infinity of confusion and jealousy, that was taken away, and the change had been made with the most cordial agreement on both sides. The same control as before would be exercised, but under a different form.

SIR HENRY HAVELOCK desired to call the attention of the right hon. Gentleman to the Transport branch of the Commissariat. There were a few officers connected with that branch, and they were placed in a very anomalous and undesirable position, owing to the changes which had been made, by which that branch of the Service was no longer separate and distinct. It was manifest

that in case of a war that branch must be suddenly extended, and that could only be carried out by the officers connected with the branch itself.

LORD EUSTACE CECIL said, it was impossible that an amalgamation like that which had been effected in the Commissariat and Control Departments could have taken place without individual hardships. Accordingly, many such cases had come before him since he had the honour of occupying the position which he now filled. So far as they had been able, they had taken the most pressing cases into consideration, but he was bound to confess it was almost impossible to go back five years without doing great injustice to many other officers. It was intended to keep the Transport branch as separate as possible from the Commissariat; and as a good deal had lately been said about exchanges, he might add that no exchange between the Commissariat and Transport officers would be allowed except in particular cases. With regard to entrance into the Service, the same rules would be observed as before. A certain number would enter by competition, and a certain number would be drawn from officers of the Army, and from non-commissioned officers. Those most competent to judge were not altogether satisfied with the experiment made in 1870. He could assure the hon. Baronet that his suggestions with regard to the Transport service would receive the fullest consideration.

LORD ELCHO said, that having served on the Abyssinian Committee, he would remind his noble Friend the Surveyor General of the Ordnance, that very valuable evidence had been given by Sir William Power as to the importance of the Army sea transport being under the Control Department, and not under the Navy.

SIR ANDREW LUSK said, that those who had opposed the Contagious Diseases Act would be placed in a false position if they now voted for this £4,750 for the police to carry out the Act, and must go against it. As to the general question of transport of stores, he, as a City man of business, thought it a very simple matter, involving no difficulties whatever.

MR. CAMPBELL-BANNERMAN said, this was a statutory payment, and this was not the proper time to take exception to it. The money paid to the

police was paid under the provisions of certain Acts of Parliament, and they must first repeal those Acts before they could refuse to put their provisions into effect. In the course of a few weeks an opportunity would be afforded to the House of expressing its opinion whether it was desirable to continue them any longer.

SIR ANDREW LUSK indignantly repudiated the hon. Gentleman's attempt to stifle discussion on this Vote by telling hon. Members that it was a statutory payment under an Act of Parliament. The Committee had the fullest right to criticize the Vote, and, if they pleased, to say "No" to it, in the teeth of any Act of Parliament, or why was it in the Vote?

MR. ANDERSON said, he was quite surprised to hear from the hon. Member for the Stirling Burghs (Mr. Campbell-Bannerman) that that was not the proper time to cavil at the Vote. Such a statement was all the more remarkable coming as it did from the front Opposition Bench. The Votes were brought before them for the very purpose of cavilling at them. He should, in that case, like to know what was the proper time for considering it, if not when the Vote was proposed for work to be done next year. If the money were not voted the work could not be done, and no other harm would ensue; and, therefore, he should certainly vote for the Amendment of his hon. Friend.

MR. CAMPBELL-BANNERMAN said, he did not mean to dispute the right of hon. Members to discuss Votes in Committee. He would repeat that the proper mode was not to object to the sum, but to the Acts under which it was payable. If it was alleged that the Acts were improperly administered—if, for instance, too many policemen were employed—it was quite proper to object to the item; but if the objection was one of principle, then the proper way to strike at the Vote was to move to repeal the Acts.

Question put.

The Committee divided:—Ayes 18; Noes 62: Majority 44.

Original Question put, and agreed to.

(11.) £2,950,000, Provisions, Forage, &c.

SIR ANDREW LUSK took exception, mainly on sanitary grounds, to the item of £13,000 for emptying cesspools. He thought it most disgraceful that in soldiers' quarters the cesspool system should be tolerated. Sanitary science had condemned this system long ago.

LORD EUSTACE CECIL explained, that in some districts a perfect system of drainage was not possible, and of course where cesspools existed they should be emptied as soon and as often as possible. The work was done under contract, and at, he believed, moderate cost.

SIR ANDREW LUSK said, he objected to the item because these cesspools were bad for the health of the troops, and should be done away with as soon as possible. Drains ought to be more generally used. Was it to be wondered at there was sickness in some camps?

MR. M'LAGAN said, he also believed that nothing could be so dangerous to the health of the troops as these cesspools. They ought to be replaced, where drains were not practicable, by earth closets.

MR. GATHORNE HARDY said, that many of the cesspools were on the dry-earth system, and the dry-earth formed part of the expenditure. There were a great many camps on a large scale where drains could not be laid down so easily as the hon. Baronet the Member for Finsbury supposed.

Vote agreed to.

(12.) £758,100, Clothing Establishments Services and Supplies.

(13.) £986,000, Warlike Stores.

MR. A. H. BROWN said, he wished to draw attention to the recommendations of the Report of the Committee on Public Departments made last year. They pointed out that the arrangements for the Contract Department at the Admiralty were under the financial head of that Department; while at the War Office they were under the Director General of Ordnance, and recommended that the system in operation at the Admiralty should be adopted at the War Office. They also stated that the two Departments frequently competed with each other in the purchase of stores; that the consequence was that prices were enhanced, and recommended that the chief purchasing officers of each Department should consult together periodically, so that com-

petition between them in the same markets might be avoided. He wished, further, to draw attention also to the remarks of the Committee with regard to taking stock of the stores of the Army. That was a matter which the Committee found to be in a very unsatisfactory and confused position; and it was thought advisable that there should be an annual stock-taking and valuation, it being important to know that the stocks of stores were properly kept up, which could only be ascertained by having those stocks taken fairly and accurately at specific periods. Had anything been done to give effect to the views expressed by the Committee?

GENERAL SIR GEORGE BALFOUR said, that the Committee referred to had arrived at their Report after a careful investigation extending over two Sessions. He hoped that the recommendations it contained would be duly considered by the right hon. Gentleman at the head of the War Department. Many of them were of a most useful character, and would benefit the Service if carried out. The main object in view was to ensure co-operative action in the purchasing of stores between the different Departments of the State, and to confide to one branch the duty of laying in stocks of those stores which were in common use, as practised regarding cloth for the marines purchased by the Army, and beef and groceries purchased by the Admiralty for the Army. The next great point was for the Government, by this combined action, to know where to obtain supplies in time of need.

LORD ELCHO said, that in the Vote a certain sum was taken for the manufacture of small arms. He desired some information on the point, for those who took an interest in the question knew that during last Autumn there was a good deal of discussion in the Press with respect to the Martini-Henry rifle, which was to be the future arm of the British Army and Reserve Forces. It was said that it was severe in recoil and inferior in its shooting qualities. He was glad the Government had not allowed themselves to be influenced by this criticism. He went into the Committee on the Martini-Henry rifle prejudiced against that arm; but he was converted by the evidence brought before the Committee. The evidence was the ablest that could be obtained, and upon it the Committee

came deliberately to the conclusion that the Martini-Henry rifle was mechanically correct. He was glad the Government had stood by that arm, and, after the exhaustive inquiry of two Committees, he thought it would be absurd to re-open the question. There might be some small defects in the weapon; but the second Committee, of which he was a member, had, after applying practical tests, come to the conclusion that there was no recoil to which any man, who knew how to shoot, could object, and that its amount was less than that in the case of the Snider. Beyond that, Mr. Ross, one of the best shots in England, had tested it, and had not found the slightest recoil beyond what might have been expected. But it had been stated that, while standing by the rifle, Government had altered the ammunition for it, by reducing the charge of powder and diminishing the weight of the bullet. As the mass of men could not see well for shooting beyond 600 yards, and this rifle would carry up to 1,200, there might with advantage be two descriptions of bullets—the heavier kind for marksmen shooting a long distance, and the lighter for use up to 600 yards. By this arrangement a soldier carrying the lighter ammunition would have nine more shots in his pouch than he could have at present, and this would be of considerable importance. If, however, anything had been done to lower the value of the weapon for long ranges the decision was a mistake, and ought to be re-considered. He had obtained a Return which showed that the Martini-Henry, with its heavy bullet, was infinitely superior in accuracy and range to any arm at present being made for any Army in Europe. He wished to know what number of Martini-Henry rifles had been made; what was the number making; what the number the Government contemplated making; and within what time the Government anticipated that the whole Army, and he presumed the Volunteers, would be supplied with that arm, and have a reserve store beside? He wished also to know what the Government thought was the amount for this country to have of surplus arms for the proper equipment of its forces, and how far the store would consist of Martini-Henry and how far of Snider rifles? Another question he should like to ask was as to what sort of bayonet was to be served out? He be-

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lieved that the bayonet was of little use in actual war, and that the proportion of men killed by steel in the Franco-German War did not exceed 2 per cent. He would suggest that instead of providing the soldier with one that could be used only as a weapon, it would be wise policy to spend 2*s.* additional in providing him with an instrument that could be used not only as a weapon, but also as a cutter of wood, and for other purposes.

COLONEL MURE said, the question of the efficiency of the Martini-Henry rifle was a most important one, and a great deal had been said in the newspapers and elsewhere lately on the subject. There was no doubt it was a good shooting weapon, and that men like the noble Lord the Member for Haddingtonshire (Lord Elcho), Captain Ross, and other able-bodied men were capable of handling it well; but a large number of our soldiers were not able-bodied, and he therefore doubted very much if it was a weapon suitable to the whole of the service. He objected strongly to the course which had been taken by the War Office in reference to the vision tests applied to recruits. The country was spending vast sums of money in arming the troops with weapons of precision, which would shoot with perfect accuracy up to 1,000 yards; but the vision test had been reduced from time to time, until at the present moment the visual powers of recruits were only tested up to 400 yards—that was to say, the test of vision in firing at a target had been reduced from 15 to 10 feet. The reduction was one which had been rendered necessary by a failing system. It was said that the soldiers of the Line could shoot very well; but, as a matter of fact, the best practice was made by members of Volunteer corps.

COLONEL ALEXANDER wished, in reference to the last remark of the hon. and gallant Gentleman, to say that recently the Martini-Henry rifle had been supplied to the recruits of three Line regiments in Dublin, and with the new regulation as to distance, they had made excellent practice with the weapon, which they preferred infinitely to the Snider.

LORD EUSTACE CECIL, in answer to the various questions which had been put to him, said, it had always been desired that the different Departments

should not compete with each other in reference to contracts, but it had not at present been considered necessary to make any alteration as to the manner in which the Directorship of Contracts should be managed. With regard to the Martini-Henry rifle, notwithstanding the assertions to the contrary, he believed it would prove thoroughly worthy of the recommendation of the Committee which brought about its adoption, and that it would prove, if not the absolute best rifle, at any rate one of the best rifles in Europe. As to the reduction in the weight of the ammunition, they were told that it was impossible that recruits could fire these arms, and that it would be necessary to re-model the ammunition, and this naturally led to a certain amount of anxiety, in consequence of which experiments had been and were still going forward in reference to the question; but, at present, no change in the charge originally fixed had been made. Whether, if, in consequence of the experiments, a diminution should be recommended, it would be made, was another matter. The regular Infantry at home were armed with this rifle in November, 1874, and it had since been determined to supply them to the Navy, Marines, Engineers, Artillery, and Volunteers. The work had not as yet been completed; but it was hoped that the whole of the troops would shortly be supplied with the Martini-Henry rifle. The reports from the different regiments were highly favourable, evincing great satisfaction both with regard to accuracy and the amount of recoil. At the present moment there were 392,900 Sniders in use and 218,000 in store, or altogether 611,000, while there were 54,000 Martini-Henry rifles in use and 183,000 in store, or altogether 237,000; and if the whole of the manufacturing power at the disposal of the Government were employed to its full extent, rifles could be produced at the rate of 4,000 per week, as against 2,000, the average number now supplied, showing what could be done on an emergency. With regard to the question of bayonets, it had been determined after mature consideration to adopt in the Army the same type of weapon used by the Irish Constabulary, on the ground that it was cheaper in price and lighter in weight than the arm now in use. With respect to the stores

he believed they were, in every point of consideration, in as efficient and satisfactory a state as could be desired, and equal to any contingency that might arise; and although they could not take stock in the manner which the hon. Member for Wenlock (Mr. A. H. Brown) desired, it was yet taken in a most satisfactory manner, as appeared by the Reports of the inspecting officers of the various military districts.

LORD ELCHO said, he was desirous to know what decision the Government had come to in reference to the proper number of reserved arms necessary to be maintained in the country? The Committee of which he had the honour to be a Member had made a certain decision as to the bayonet, and he should like to hear from the Government what was the evidence upon which a subsequent Committee reversed that decision, and whether they had any objection to produce it?

LORD EUSTACE CECIL said, he was unable to answer the last question off-hand, but he believed that the great recommendation of the Irish bayonet was its lightness. With regard to the evidence upon the question, if the Reports were not of a confidential character he would produce them. As to reserve arms, 300,000 was the number fixed as the normal reserve, but the numbers in existence were—of Sniders in use and in store, 611,803; of Martini-Henrys 237,630. The total numbers were 849,433.

COLONEL MURE said, that before he could agree to the Vote for Small Arms he must draw the attention of the Committee to the question to which he had already directed the right hon. Gentleman—namely, the test of vision.

THE CHAIRMAN: That is not the question before the Committee.

COLONEL MURE said, the question of the supply of arms of long range before the Committee was intimately connected with the power of vision of our troops, and he should divide the Committee upon it. He had pointed out to the Committee, that every few years they were increasing the expenses of the country for small arms, and reducing the test of vision, and he felt he was right in saying he would take the sense of the Committee upon it.

MR. GATHORNE HARDY said, that inquiries had been made as to shortening

the distance for testing vision, but no information had yet been received on the subject. He was quite ready to cause further inquiries to be made as to that, and also as to the chest measurement, respecting which he had not been able to ascertain that measurements were made in the careless manner which had been imputed by the hon. and gallant Member the other evening.

COLONEL MURE said, that if the right hon. Gentleman would inquire, he would find that 15 feet, which in 1863 was the test of vision recommended by Dr. Longmore, and accepted by the War Office, was, in 1870, when there was a press of recruiting, reduced to 10 feet.

LORD ELCHO said, he had been in the enlistment room, at the barracks near the National Gallery, and had seen the shortened distance test sight, and, without having any pretensions to acute vision he could easily distinguish the test marks at a distance of 30 feet, whereas the distance for the sight test was now only 10 feet.

SIR HENRY HAVELOCK said, he concurred with his hon. and gallant Friend on his left (Colonel Mure), in his statement that the test of vision was altered as he had described in 1870. It was an important point whether the right hon. Gentleman (Mr. Gathorne Hardy), instead of being ignorant on the subject, ought not to have satisfied himself that the test distance had been altered on good grounds. He thought the Martini-Henry rifle was as efficient a weapon as was carried by any Army in Europe, though as to the breech-block, he thought that the German Mauser was the best at that moment. With respect to the point raised by his noble Friend opposite (Lord Elcho), in reference to the bayonet he thought it a most important one. When the Army had long rifles they had long bayonets, and now they had shorter rifles the bayonet was also shortened; and that was a great disadvantage to the Infantry soldier when engaged with Cavalry. It was rumoured that a change in the bayonet was contemplated, and that the Army would be armed with a bayonet of the pattern in use in the Irish Constabulary; but however that might be, the present bayonet placed our Infantry in the disadvantageous position

Lord Eustace Cecil

of carrying the shortest pike in Europe, for it was 7 inches shorter than any pike carried by foreign Armies. He was informed that that defect could be remedied by re-heating and re-drawing it, so as to lengthen it 6 inches, without altering its temper.

GENERAL SHUTE begged to correct the hon. and gallant Gentleman. Fire would stop Cavalry; but bayonets never would, whether they were long or short.

SIR HENRY HAVELOCK urged that a long arm was of service in keeping a mounted enemy at a distance, whilst the cartridge was introduced, and for that reason, he was in favour of it.

LORD EUSTACE CECIL said, with reference to the adoption of the bayonet of the Irish Constabulary, the Reports referred to were of a confidential character, and he could not therefore produce them.

Vote agreed to.

(14.) £799,700, Works, Buildings, and Repairs at Home and Abroad.

COLONEL ALEXANDER pointed out the necessity of having Richmond and Island Bridge Barracks, Dublin, supplied with Vartry water instead of canal water, as at present. He wished also to draw attention to the disgraceful condition of the huts in the Beggar's Bush Barracks, Dublin, where the 3rd battalion Grenadier Guards, of which he had the command, lay last winter. The subject of fever in those barracks had been referred to in a letter which appeared in *The Times* on Friday last. Captain Langham and another gallant officer died of typhoid fever within a month. A minute inspection of the barracks was ordered and was made by the principal medical officer for the whole of Ireland, assisted by the principal medical officer in Dublin, but they could not trace the origin of the disease. In February last, the cook employed at the officers' mess died, and soon afterwards a fit investigation took place. The milk and the water supplied to the barracks were tested and found pure. But it was discovered that the sewer traps throughout the barracks were of the most primitive kind, and that poisonous gas diffused itself throughout the officers' quarters. Since he left Ireland he saw by the letter in *The Times* that a corre-

spondence as to the condition of the barracks had previously passed between the officers of the 2nd battalion Scots Fusilier Guards and the Engineers' department in Dublin. Of that correspondence, he had not before heard; but it was so important, that he intended to move for its production. He could not but think in all such cases the Engineer's department should be instructed to have the necessary work done without delay or regard to the fact whether the expense came out of this or that year's Estimates.

LORD CLAUD J. HAMILTON said, he wished to confirm what had fallen from his hon. and gallant Friend with respect to the unhealthy character of Beggar's Bush, Richmond, and Island Bridge Barracks at Dublin. Their condition was a public scandal, and he trusted that the Secretary of State for War would give his earliest attention to the matter. Unless something were done to improve the sanitary condition of those barracks, it was utterly useless to talk of recruiting the Army; for the buildings into which they put the men were little better than pest-houses.

SIR ANDREW LUSK, though he knew nothing about arms of precision, hoped he knew something of the affairs of common life, and he maintained that they ought to use every means which sanitary science placed within their reach to preserve their soldiers in health. He hoped the right hon. Gentleman would some day remove the ugly and hideous barracks at Knightsbridge, and so beautify Hyde Park.

SIR HENRY HAVELOCK said, he was glad to find that out of the £73,000 to be expended for new works, in addition to that for the alteration of barracks, £25,000 of it was to be applied to the amelioration of married soldiers' quarters in various parts of Ireland, for which the right hon. Gentleman deserved the hearty thanks of the Army and the public. He had seen 10 married families in two rooms, consisting of between 35 and 40 individuals in each room, with no separation between them. With regard to the barrack accommodation at Dublin, the condition of the Royal Hospital at Kilmainham was as bad as that of the other barracks in the city, and required immediate attention.

LORD ELCHO said, that Votes were being agreed to very rapidly; but before

this Vote was passed, he would remind the Committee that it included Votes for fortifications at Home and Abroad. In past years stiff battles were fought over them, and they were known as the "Battles of the Shields." They had, in fact, to strengthen the shields concurrently with improvements in artillery. From 35-ton guns we had got to 80-ton guns, and he wished to know if the increased power of the guns were taken into consideration in the shields that were being erected at Gibraltar, Malta, and Bermuda? Of the 800 guns ready for use, how many would be required for the Army and fortifications at home, and when would the Home forts be completely armed? How many big guns had been sent to Gibraltar, Malta, and Bermuda? Whether any of them had been mounted, and by what time all the armaments abroad would be completed with artillery suited to them?

COLONEL MAKINS directed attention to the inconvenient state of some of the chapels in which Divine service was performed for the benefit of our soldiers, and asked whether anything was proposed to be done with regard to improving the accommodation?

COLONEL MURE, in corroborating what the hon. and gallant Member opposite (Colonel Alexander) had said about the Beggar's Bush Barracks, said, that when the Scots Fusiliers took up their quarters there the barracks were in a very bad state indeed, and the result of a correspondence that took place was one of the most lamentable pieces of red tapeism that ever came under his notice. It was found on inspection that it would only cost £15 to place the barracks in a proper sanitary condition; but because the Department did not wish to alter the Estimates this trifling sum was refused, and certain temporary remedies were suggested. The consequence was some mortality in the Scots Fusilier Guards, the death of two officers of the Grenadier Guards, and he did not know of how many of the soldiers' children. He did not know anything more degrading to the Army and the Army authorities than that such mortality should have ensued for the sake of not changing the Estimates. He trusted that the right hon. Gentleman, whatever he would do in regard to recruiting, would at least direct his attention to the lives of our soldiers.

Lord Elcho

MR. GATHORNE HARDY said, he was quite sensible of the distressing nature of the circumstances which had occurred at Beggar's Bush Barracks, but he was not prepared, from the information before him, to come to the conclusion that the illness of the officers stationed there had been produced by the state of the barracks. He should, indeed, be sorry to find that was the case; but he had reason to believe that there were other causes for that illness. With respect to the private soldiers quartered there, he understood they were in as good health as the men quartered in other parts of the country. In consequence of the Question which an hon. Member had given Notice that he would put to him to-morrow as to these barracks, he had directed every inquiry to be made into the matter, and he would, therefore, give the House to-morrow full particulars on the subject. He might, however, now state that the subject had engaged attention from the first moment it was brought to his notice, and he did not believe there had been any putting off of what was necessary to be done on account of any disinclination to alter the Estimates to the amount of £15. He had given instructions to the Army Sanitary Commission to go over to Dublin to examine the barracks. A question had been asked by the hon. Baronet the Member for Finsbury about the Hyde Park Barracks. There was nothing respecting them in the present Estimates; and among the many duties cast upon the Secretary of State for War, he hoped the beautifying of London would not be included. It was desirable that he should be left to regard those buildings merely as barracks.

LORD EUSTACE CECIL said, that orders had been sent to Malta, Gibraltar, and Bermuda, with regard to the strengthening the shields; but on account of peculiar local circumstances, it was impossible to tell when the works would be entirely finished. Up to the 31st of March, 1875, the number of guns distributed, or ready to be distributed, over the United Kingdom, Malta, Gibraltar, and Bermuda was 806. Of these, 667 were already in the districts for which they were destined, mounted or about to be mounted; and the remainder were in the Arsenal, and would be gradually despatched to their respective

destinations. As to the weight of the guns, there were at Malta five of 28-ton, eight of 25-ton, nine of 18-ton, and 21 of 12-ton—total, 43; at Gibraltar 18 of 18-ton, and 22 of 12-ton—total, 40; and at Bermuda five of 25-ton, 16 of 18-ton, and 12 of 12-ton—total, 33.

Vote agreed to.

(15.) £141,800, Military Education.

CAPTAIN NOLAN said, there had been some mistake as to who was responsible for the Order by which the number of Staff appointments to be filled by students of the Staff College was reduced from one-half to one-sixth of the whole number. Though dated 1873, the Queen's Regulations were not published until March, 1874, and it was desirable to know what Government was responsible for it.

SIR HENRY HAVELOCK said, he would also like the Secretary for War to give some explanation on this important point. The Order was first issued as a paragraph in the Queen's Regulations bearing date at the end of 1873, but actually issued to the Army in March 1874. The latter date would place it under the jurisdiction of the present Secretary for War.

COLONEL ALEXANDER thought that as it was desirable to induce men of good education to become schoolmasters in the Army the present rate of pay—namely, 3s. 9d. a-day, increasing 6d. every third year—was rather small. Would the right hon. Gentleman have any objection to a small increase?

MR. GATHORNE HARDY said, he should, for he had found no difficulty in getting plenty of teachers at the present salary.

SIR PATRICK O'BRIEN said, it was of great importance to have in India officers who had passed through the Staff College, and he would like to know whether it was intended that the circumstance of an officer having passed through the Staff College should be taken into account in filling up Staff appointments in India?

MR. CAMPBELL-BANNERMAN said, he thought that the Regulations did not express the intentions of the right hon. Gentleman, nor the military authorities, which he took to be that on the one hand Staff appointments should be filled, as a rule, by Staff College

officers; whilst, on the other hand, it should be clearly understood that they had no absolute right to those appointments. The proper system was to require merely that officers who were candidates for Staff appointments should undergo an examination, leaving them at liberty to get their education where they liked. There would be much inconvenience in restricting the appointments exclusively to officers who had gone through the Staff College.

GENERAL SIR GEORGE BALFOUR also was decidedly in favour of having suitable examinations, and not the favour or patronage of individuals, to guide the authorities selecting officers for Army offices. The prospect of a narrow restriction in the disposal of Staff appointments had, he said, created much alarm in the Army. It was not only the subordinate offices but the highest appointments that should be open to the competition of all qualified officers.

MR. GATHORNE HARDY said, he was unable to state the exact date of the publication of the Regulations referred to, which had been drawn up prior to his coming into office. As he understood that Order, it was made with the object of showing that there was no absolute right on the part of those who had passed through the Staff College to Staff appointments. He was quite ready to look into the question; but it seemed to him that they could have no absolute claim. The matter was left in the hands of the general officers, who had a general power of selecting their Staff for themselves; although no doubt great consideration would be given to those gentlemen who had passed the Staff examinations and who had practically a monopoly of the lower Staff appointments. With regard to the question about India, he was not able to say what were the rules laid down in India, because he exercised no control over the arrangements made in that country.

MR. CAMPBELL-BANNERMAN hoped that the right hon. Gentleman would see his way to amend the paragraphs in the Queen's Regulations as far as they related to the higher Staff appointments, so as to place these on the same footing as the lower.

SIR HENRY HAVELOCK remarked that there still appeared to be some misapprehension on the subject of these

appointments. He thought it would be a great advantage to the Service and give great hopes of the education at the Staff College if some assurance were afforded that for the future the higher grades of the Staff appointments would be equally open to officers who had been specially educated at the College, and to those selected on account of claims arising from service.

GENERAL SHUTE believed that the real grievance against the late Government's military policy was that there was not a sufficient distribution of the Staff appointments.

MR. WHITWELL wished to have some information as to the condition of the Military College at Sandhurst.

MR. GATHORNE HARDY replied that there was an increase in the number of the pupils; that the College was working well at present; and that some improvements were in progress.

Vote agreed to.

(16.) £42,200, Miscellaneous Services.

In reply to Sir ANDREW LUSK,

MR. F. STANLEY stated that the expenses of carrying out the provisions of the Contagious Diseases Act were chiefly for the salaries of medical examiners and the staff of nurses, and for travelling expenses. The sum asked for the reparation of Crimean graveyards—namely, £5,000, was so large in consequence of the graveyards having been long neglected and allowed to fall into decay. The amount now asked for would enable the cemeteries to be put into a proper condition, and it was contemplated to ask Parliament to sanction a small amount for payment to a guardian permanently residing on the spot, who would prevent any further dilapidations of the graveyards from taking place.

Vote agreed to.

(17.) £210,900, Administration of the Army.

SIR HENRY HAVELOCK expressed a hope that the Government would take steps to bring the Intelligence Department in India not only into communication with the Intelligence Department at home, but into close relations with it. It was efficiently managed; but he thought that the two should be in communication, neither being subordinated to each other.

Sir Henry Havelock

GENERAL SIR GEORGE BALFOUR thought the Quartermaster General's and the Adjutant General's Departments should be amalgamated, and the Intelligence Department raised to a higher position befitting its importance. No one could have given attention to the duties as formerly assigned to the officers of the Quartermaster General, without being struck with the fact that the Intelligence department as recently formed was a mere duplicated set of Staff, and that looking at the large array of generals and Staff officers of various denominations now existing, it must be conceded that they had an ample Staff for an infinitely larger Army than they at present maintained.

MR. GATHORNE HARDY said, he was not able to give details of what the Intelligence Department were doing; but he believed they were in communication with every part of the Empire, obtaining information which might hereafter prove of value. He quite saw the importance of co-operation between the Intelligence Departments here and in India.

SIR ANDREW LUSK asked if it was not better to employ clerks than writers who considered themselves not exactly as Government servants, and were more difficult, consequently, to manage?

MR. GATHORNE HARDY said, they were mostly employed temporarily, and it was not desirable, by engaging clerks, to increase the staff and thus swell the future pension list.

Vote agreed to.

(18.) £35,300, Rewards for Distinguished Services.

(19.) £88,500, Pay of General Officers.

(20.) £514,600, Full Pay and Half-Pay of Reduced and Retired Officers.

(21.) £146,900, Widows' Pensions, &c.

(22.) £16,400, Pensions for Wounds.

(23.) £34,300, Chelsea and Kilmainham Hospitals (In-Pensions).

(24.) £1,201,500, Out-Pensions.

MR. A. H. BROWN wished to know when there would be any reduction in that large amount for out-pensions which they were told two years ago would be shortly reduced?

MR. STEPHEN CAVE explained that a Royal Warrant lately issued had

increased the Vote by a grant of pensions to old soldiers who had served in the Army during the Peninsular and Waterloo campaigns, and in operations of that period elsewhere. Many of them were not strictly entitled to pensions, because they had commuted them long ago; but they were scattered through the country in great poverty, some being in receipt of parochial relief, and it was scarcely creditable that this should be the condition of the old soldiers of a great country. Besides, as the hon. Gentleman was no doubt aware, the spectacle they presented, without pensions, operated as a great obstacle to recruiting. The number of these men proved to be considerably larger than had been anticipated. No pension had been granted without the strictest inquiry. The highest which had been granted was 1s. 6d. a-day, and this had been given only in the case of men who were over 80 years of age, or had been wounded. It was a Vote which might still grow; but, owing to the great age of the pensioners, it could only be for a short time, after which it would rapidly diminish.

Vote agreed to.

(25.) £167,500, Superannuation Allowances.

(26.) £22,700, Non-Effective Services (Militia, Yeomanry Cavalry, and Volunteer Corps).

Resolutions to be reported *To-morrow*;

Committee to sit again upon *Wednesday*.

MARINE MUTINY BILL.

(*Mr. Raikes, Mr. Hunt, Mr. Algernon Egerton.*)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clauses 1 to 17, inclusive, agreed to.

CAPTAIN PIM, in moving, after Clause 17, to insert the following clause:—

(Trials by court martial.)

"(18.) In all trials by Court Martial the prisoner, should he desire it, may have the assistance of attorney and counsel, and, should the President consider it advisable, the services of a shorthand writer may be obtained to assist the Judge Advocate in recording the proceedings,"

said, he did so with the view of simplifying the proceedings.

MR. HUNT said, if it were desirable in certain cases to secure the attendance of a shorthand writer, there would be

no difficulty in making a regulation authorizing the President to employ one, and it was not necessary, therefore, to insert such a provision in the Act of Parliament. His hon. and gallant Friend must, however, know very well that in many cases of courts martial no shorthand writer could be found. As to the proposal that the prisoners should have the benefit of attorney and counsel, he could not accede to it, as it would entirely alter the character of the inquiry, and would render it necessary for the Court likewise to be assisted by legal advice, which in many instances could not be procured.

Clause *negatived*.

Remaining clauses agreed to.

Bill reported, without Amendment; to be read the third time *To-morrow*.

DOVER PIER AND HARBOUR BILL.

(*Sir Charles Adderley, Mr. Cavendish Bentinck, Mr. William Henry Smith.*)

[BILL 84.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Charles Adderley.*)

GENERAL SIR GEORGE BALFOUR said, that the first reading of the Bill was brought in at the same late, or rather, he ought to add, at the early hour of the morning, in a thin House, when all were tired with the labours of the past hours. It was a Bill that, if passed, would involve the country in a guaranteed expenditure of £970,000, and probably entail a much larger sum, and his only way to prevent that was in moving, as an Amendment, that the Bill be read a second time that day six months. He opposed it on the ground that it would be impossible to construct a harbour at Dover, which would not silt up. The question had been inquired into at various times, from 1836 downwards, Committees and Royal Commissions had investigated the subject, and all had reported against the attempt. One engineer who had been specially employed to examine the question, had distinctly stated that it would take at least £20,000 a-year to keep the harbour clear; and in 1865 a Special Committee had reported to the Admiralty that the deposit had then begun and must increase, which led the Government to abandon the idea of forming a close har-

hour. Out of nine plans proposed between 1840 and 1846 for constructing the harbour, the lowest estimate was £2,500,000, and some were as high as £4,000,000; and when completed, a deposit of at least 10 inches might be expected to take place, and the cost of dredging would be enormous. In 1873 the late Government proposed a Vote of £10,000, and it was only passed by the House by 61 votes to 60 votes—a majority of 1; and both he and the hon. Member for Aberdeen were assured that this supply was intended for a preliminary inquiry. The Treasury were opposed to the formation of the harbour; but the Board of Trade set itself to work to defeat the Treasury. The President of the Board of Trade, then Mr. Chichester Fortescue, distinctly assured the House that the Treasury had satisfied themselves that the surplus revenue of the Dover Harbour Board would enable the Public Works Loan Commissioners to advance a very large portion of the funds required for the construction of this work, and in the course of the debate, one of those Commissioners, the right hon. and gallant Officer the Member for Stamford (Sir John Hay), distinctly stated that no Report upon the subject of the security for advances for the completion of the work had been made by those Commissioners. Subsequently, the Treasury, in a Letter to the Board of Trade, dated 23rd October, 1873, directed the Board to refer the security to the Public Works Loan Commissioners, in order to ascertain its value; but that the Board of Trade had failed to do, or rather refused, notwithstanding the fact that on passing the Act of 1861, known as the Passing Tolls Act, it was the intention of the Legislature, as the Board of Trade had lately avowed, to subject all loans to harbours to the independent scrutiny of that body. This Bill proposed to lend out of the Consolidated Fund a sum equal to all that the Public Works Loan Commissioners had lent to harbours since 1861. For the whole of the harbours of England not £1,000,000 had been expended by the Public Works Commissioners, and yet—and it was what he complained of—under the Bill the Board of Trade proposed to lend to the Dover Pier and Harbour Board £640,000, without interest, for five years, and without any reference to the Public Works Loan Commissioners as required

by the Treasury. Moreover, the Government added as a free gift the sum of £33,000. The rate of interest to be charged on even this nominal loan was at variance with the terms of the Act of 1861, and ought not to be permitted by the House of Commons to be violated. No plan had been submitted to the Commissioners so small in area as that now proposed for Dover. It was only to extend to 310 acres; whereas an area of 520 and even 1,000 acres had been suggested. It would be derogatory to the Navy to enter such a harbour of refuge, when there existed one of the finest anchorages in the Downs, within six miles of this bay, which had not even the merit of having good holding ground. Before the Government committed themselves to this wretched scheme, he hoped they would cause a thorough inquiry to be made. An expenditure of £30,000 or £40,000 would not be justified by any Inquiry or Report now before the House. He warned the House not to trust the information before it, as he believed the scheme would altogether involve an expenditure of several millions, and take 10 or 20 years to reach its completion. It was deeply to be regretted that this outlay should be permitted, when our commercial and fishing harbours so greatly needed aid. Everywhere abroad he had seen excellent harbours, with great facilities for loading and unloading; and in the face of the commercial activity which he saw, he urged the Government to concentrate all their energies on the improvement of our mercantile harbours, and not on doubtful military and naval harbours. The fisheries of Scotland could be so largely extended by a little aid from the State as to enable the hardy fishermen to collect produce more than the value of the whole land rental of the county in which improved harbours could be erected. And looking at the millions already spent on such harbours as Alderney, and now, Dover, he much and deeply regretted that the Government should now desire to appropriate the fund at the disposal of the Chancellor of the Exchequer in constructing a harbour about which such great doubts existed as to its being either practicable, or, if made, of any use.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Sir George Balfour.*)

General Sir George Balfour

SIR CHARLES ADDERLEY, in supporting the measure, said, it was a Bill for enlarging Dover Harbour, or rather for completing it. The House had incurred an outlay of nearly £1,000,000 in building the Admiralty Pier at Dover, which was becoming useless because the harbour was not completed. The Admiralty Pier was, in fact, acting as a huge groyne, and was daily silting up, for want of the completion of the harbour, and the expenditure already incurred would be useless unless another £1,000,000 were expended, in which case the pier and harbour at Dover would become in a strategical sense one of the most valuable properties belonging to the nation. The harbour would be most useful for the purpose of Continental communication and the more so in the prospect of larger ships being used, because the French Government intended to make a corresponding harbour on the other side of the Channel. It would also serve as a harbour of refuge in cases where the Downs were not available. The chief argument of necessity for the Bill was, however, grounded upon the importance of this harbour as a great military and naval station in the narrowest part of the Channel. It was also well defended, and in close proximity to great military stations. This being a hybrid Bill, must be sent to a Select Committee, when all engineering and other questions connected with it might be considered in detail.

MR. FRESHFIELD said, the days had passed with them when it was the habit to advance and expend large sums of national money on harbours of refuge as such. But that was not the present case. The case of Dover was altogether exceptional, and the present proposed works were justified not on commercial grounds alone, or mainly, but on strategical considerations, as a measure of defence. Dover had been the port that, from time immemorial, had dominated the communication between England and the Continent. Our early Sovereigns recognized and appreciated the importance of that port. King Henry VIII. expended a sum—upwards of £80,000—a very large sum in those days, in the construction of a pier, besides other works. Queen Elizabeth expended further monies in maintaining and improving the works. James I. granted a charter to the Lord Warden and to the mayor and authorities at Dover, with power to collect monies for the support

of the harbour. Under those auspices the port of Dover was improved from time to time; but it was not until the reign of Her present Majesty that that great and noble structure known as the Admiralty Pier was undertaken and completed. By means of that pier vessels of all sizes were enabled to lie in deep water at all states of the tide, and embark and disembark mails, passengers, and goods. Still the harbour, with that single pier, remained very imperfect and insufficient. It was only some two or three years ago that Dover was decided by a jury not to be a harbour of safe anchorage, and the present measure was intended to remedy that state of things, and to make the port of Dover what it ought to be, and the project was based not on commercial grounds alone, as he before stated, but on strategical. Now, in considering for a moment the question whether the outlay of national money involved in that proposal was justified, he ventured to lay down two or three propositions, the first of which was that England, in case of war, must rely for her defence and security, primarily, on her first line of defence—her Navy. Secondly, that they were most assailable on the line of their southern and eastern coasts. He thought he might also assume that since their naval force had become concentrated in iron and iron-clad vessels those vessels were neither safe nor efficient, except in connection with their steam power; and that, on the other hand, they could only carry coals for about 10 days. It was obvious, therefore, that a safe port of anchorage was indispensable in the centre of the long line of coast to be watched and guarded. Now, they had no port in the Channel eastward of Portsmouth. There was a time when their main anticipations of attack or invasion proceeded from the coasts and Navy of their opposite neighbour. But there were now three Navies that might threaten them—two in the North—the last of very recent creation, that was being increased constantly, and belonging to a Power that was coveting and seeking ports in our neighbourhood, the possession of which might involve us in complications with States with which our interests were mixed. Now, it was clear that to enable us to be prepared in case of war against attack in those directions, as well as the defence of our own shipping which passed through the Straits of Dover in

such vast numbers, a port was necessary in the position of Dover. Dover had been justly said to hold the key of the gate of the Channel, and our fleets ought to be able to lie in force in that vicinity. It was indispensable to our security that there should be a safe harbour at that point, at which our naval force should be concentrated, ready to issue, with full force of steam, to the East, or West, or North, whenever we were threatened, and into which our vessels should be able to retire, for the purpose of refitting or taking in stores, but, above all, for the purpose of coaling. If he might be allowed, he would say a few words on the subject of the cost and management of the works. It would be seen that the cost of the works was estimated at £970,000, of which one-third was to be a gift contributed from the national finances. The other two-thirds to be an advance by the Board of Public Works at interest at the rate of $3\frac{1}{2}$ per cent. As to the first portion of the outlay it must be admitted to be a very small charge in connection with an advantage so great to the nation. As to the remainder of the outlay, its repayment was to be secured by tolls on vessels using the harbour, and on passengers passing to and from the Continent in vessels sailing from the port. Estimates had been carefully prepared, showing that those tolls would be more than sufficient to pay the interest of the monies to be advanced under the Bill, and to yield a surplus to form some return for the cost of the Admiralty Pier, which had hitherto been unproductive. It was proposed to vest the works, both new and old, in the present Harbour Board, supplemented by additional members nominated by the three Departments, so as to give a majority in their councils to the Government, in consideration of the Imperial money that would be embarked in the undertaking. The existing Harbour Board was a body of considerable local influence and experience, and they had property in the town and harbour to the extent of an annual income of some £15,000 per annum. It seemed to him that no better management could be desired for the scheme.

MAJOR DICKSON suggested that the Town Council, in the interest of the rate-payers, should have a larger representation than was given by the Bill, and would propose the addition of two more persons connected with the town of Dover

on the Harbour Board. He also hoped that private rights would be equally respected as those of the Crown. He was not sure that the measure would be an unmixed benefit to the town, and feared that it would quite spoil it as a watering-place.

MR. WHITWELL observed that if the arguments of one of the hon. Members for Dover (Mr. Freshfield) were to prevail, Government might be called upon to build harbours all round the coast, and he certainly thought the safety of England lay in something more substantial than Dover Harbour; besides, they had the opinion of competent authorities, both nautical and engineering, that if the harbour were constructed, an iron-clad would never get into it. Again, they had no assurance whatever that £1,000,000 would pay for the work, which, when completed, would have to be defended by new forts, which would lead to a further outlay. It was rather a bold claim for the expenditure of a large sum of money without the prospect of any adequate return, and he thought the House ought to have farther information before they consented to the second reading of the Bill. By acting without it, they would open the way to claims equally as good.

MR. BECKETT-DENISON reminded the House that the Bill was a heritage left by the late Government, who had carried it by only 1 of a majority. He did not think there was a Member on either side of the House who would oppose the Bill if he believed it would be efficient; but they could not control the powers of Nature, and he, for one, had grave doubts of the possibility of carrying out a harbour for the purposes that had been explained to the House. The winds, the waves, and the currents would cause a silting up of the bottom which would render the harbour useless. The area of all depths was only 320 acres, and it was ludicrous to think that iron-clads would have room there to get out to sea in case of an attack. Looking to our want of success in the construction of harbours at Alderney and elsewhere, he very much feared that, if the Bill went forward, Dover Harbour would become a standing monument of our want of prudence, and before the very large sum proposed for it was expended, we should have something like probability, at least, that the enterprize would be successful.

Mr. Freshfield

SIR EDWARD WATKIN supported the Bill, because though it might have defects it was a bold measure, and would, he hoped, be carried out in a patriotic manner. He thought it was opportune, when the French Government was going to improve the harbours on the opposite coast, and larger ships were being built, to improve the harbour at Dover. But the question might arise whether Dover was the best place, and he thought the Bill should be referred to a larger Committee than a hybrid Bill, and that its terms of Reference might include the question of Channel accommodation as regarded harbours generally.

MR. HUNT said, the Bill was prepared by the late Government, and in order to make it as complete a measure as possible, the present Government took the opinion upon it of all the Departments concerned in it—namely, the War Office, the Board of Trade, the Treasury, and the Admiralty, which was that the proposed harbour would be a very important work from a naval and military point of view, and that the “silt up” would not prevail to such an extent that it could not be overcome by constant attention. If the House consented to the second reading, the various questions which had been raised could be dealt with by a Committee.

Question, “That the word ‘now’ stand part of the Question,” put, and agreed to.

Main Question put, and agreed to.

Bill read a second time, and committed to a Select Committee.

House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Tuesday, 6th April, 1875.

MINUTES.]—NEW WRIT ISSUED—For The County of Meath, v. John Martin, esquire, deceased.

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—Resolutions [March 5] reported.

PUBLIC BILLS—Ordered—Intestates Widows and Children (Scotland) *.

Committee—Report—Bank Holidays Act (1871) Extension and Amendment * [30]; Parliamentary Elections (Returning Officers) * [32].

Third Reading—Marine Mutiny *, and passed. Withdrawn—Training Schools and Ships * [89].

THE CHANNEL ISLANDS—PRISON RULES, JERSEY.

QUESTIONS.

MR. DAVID JENKINS asked the Secretary of State for the Home Department, Whether he has any control over the administration of Criminal Law in the island of Jersey; and, if so, whether his attention has been directed to the case of Harriet Gilbert, a girl of fourteen years of age, who was recently convicted on a charge of having stolen a small piece of butter and a few pence, and sentenced by a Jersey magistrate to imprisonment for one month, half of which time was to be passed in solitary confinement; whether, as reported, she was placed in a damp cell, and during the first and third weeks of imprisonment her fare was limited to a pound of bread daily, and a totally insufficient quantity of water, which, in spite of her earnest request for a further supply to quench her thirst, was not increased; and, whether, in consequence of this treatment, the child died before the term of the sentence had expired?

MR. ASSHETON CROSS: I have, Sir, no control, as Secretary of State, over the administration of the criminal law in Jersey, except when advising Her Majesty in the exercise of her Prerogative. The prisons in Jersey are governed by a Prison Board, established by an Order in Council dated 1860. No reports are made to the Home Office by this Board, and there is no inspection of prisons in Jersey by the Prison Inspectors connected with the Home Office. I believe it is quite true, as stated in the Question, that a girl 14 years of age was sentenced to imprisonment for a month for theft, that half of this time was to be passed in solitary confinement, and that during the first and third weeks of her imprisonment she was kept on bread and water. Since my attention was called to this matter, I have communicated with the Governor respecting it, and am glad to find that his attention had already been directed to the case, and that he had made very stringent inquiries. It turns out that, by no rule of the Prison Board, but by a practice which has grown up, whenever a prisoner has been sentenced to solitary confinement, he has always been kept on bread and water. The Governor very properly interfered the moment the matter was brought to his attention, and

that custom has in consequence been entirely discontinued for the future. The girl, however, was sentenced to this imprisonment. She was an old offender, and had been in custody five times within the previous six months. Probably, therefore, she deserved her sentence, but the bread and water formed no part of her sentence; and the magistrate, I believe, had no notion of the existence of this rule of the prison when he inflicted the sentence. However, I am happy to say that such an incident can never occur again. The authorities of the prison deny that the girl's health suffered injury from the dampness of her cell. She seems to have been naturally of a weakly constitution, though her death was no doubt accelerated by her treatment in prison. I regret very much that such a case should have occurred, and can only repeat that it cannot occur again.

MR. DAVID JENKINS asked, whether an inquest had been held on the body of the girl, who died in prison before her sentence expired?

MR. ASSHETON CROSS said, there was no Coroner in Jersey, but an inquiry had been held by the Vicomte into the cause of death, and the conclusion come to was that the child died from natural causes.

MERCHANT SHIPPING ACTS AMENDMENT BILL.—QUESTION.

MR. GOURLEY asked the President of the Board of Trade, If it be his intention to proceed with or withdraw the Merchant Shipping Acts Amendment Bill, which stands for second reading on Thursday next; if the latter, if he intends to introduce an amended Bill, based upon the information and opinions of practical seafaring shipowners, shipbuilders, and seamen with whom he held interviews during his recent visit to the North Eastern ports?

SIR CHARLES ADDERLEY, in reply, said, with regard to this somewhat extraordinary Question, he could only suppose that the hon. Member's wish was father to the thought, for he could find no other origin for it. He could only refer the hon. Member to the Notice Paper, on which the second reading of this Bill was the First Order of the Day for Thursday. He should have

Mr. Assheton Cross

regretted that the pressure of business had delayed the Bill so long, but for the opportunity thereby afforded him of having interviews with the three classes of persons indicated in the Question; and he was glad to say that in the proposals he was making he believed he had the concurrence of the seamen's best friends and of the best shipowners throughout the country.

ARMY—BEGGARS' BUSH BARRACKS.

QUESTION.

SIR LAWRENCE PALK asked the Secretary of State for War, If his attention has been called to a statement in "The Times" newspaper of April 2nd of the sanitary condition of Beggars' Bush Barracks, and to the quotation from the Annual Report of 1873—

"A serious sanitary defect in barracks awaits removal until the Engineer department is in the possession of the necessary funds. I allude to cess pits in the vicinity of the officers' quarters and those of the barrack sergeant;"

whether numerous deaths, including those of two officers, have not taken place from scarlet and typhoid fever; whether a third officer was not taken ill and his life for a time despaired of; and if the officers' cook has died from typhoid disease in those barracks; and, whether the existence of these cess pits and ash pits, reported upon by the Dublin Sanitary Committee in 1873, and the report duly transmitted to the Commander in Chief in Ireland still exists?

MR. GATHORNE HARDY: Sir, I will give my hon. Friend such information as I have been able to collect on this subject. With respect to the Annual Report of 1873, I am not able to discover what that Report is; at all events, it is not an official Report connected with my Department, though I have no reason to doubt that some such Report was made. In December, 1873, the officer of Royal Engineers asked permission to remove these cess pits, and accordingly they were done away with, and the privies in the rear of the mess premises and barrack sergeant's quarters were converted into water-closets by March, 1874. With respect to the second Question, I am sorry to say that there were several deaths in 1873, especially of children. The medical officer in charge of the 2nd Battalion of Scots Fusilier

Guards thus reports as to the year 1873—

"Zymotic diseases have furnished a larger number of admissions than usual, owing to the occurrence of enteric and scarlet fevers when the battalion was quartered in Beggars' Bush Barracks, Dublin. These diseases could not be traced to any sanitary defects existing in those barracks. There were seven cases of enteric fever of mild form. With the exception of two, all recovered. Among the men there were 10 admissions from scarlet fever of a mild type; all did well. There were 21 cases of scarlet fever among the children, seven of whom died."

In 1874, I find that in the 3rd battalion of Grenadier Guards four cases of typhoid fever occurred in connection with these barracks. Whether they were attributable or not to insanitary conditions within the barracks is, however, open to question. The first case was that of a soldier admitted into hospital with typhoid fever, after confinement in prison cells. He stated that he had been employed in cleaning a drain near the officers' kitchen. The next case was that of Captain Langham, who resided in barracks, but who was absent in Glasgow from the 29th of October to the 3rd of November. About a fortnight after his return he appears to have been attacked. Being married, he resided at some distance from the officers' mess, from which, however, his meals were procured. The third case is that of Captain Van de Weyer. The surgeon-major stated that this officer was from the 20th to the 23rd of November on a visit to a country house, in which, it is believed, a case of typhoid fever had occurred some time before. On the 24th and 25th of November he was in barracks, apparently quite well, and on the 26th he left Kingstown for England. About a fortnight afterwards, at a country seat where he had gone to shoot, he was taken ill, with symptoms of fever, of which he died near Windsor. The fourth case was that of a mess cook, a civilian, who was employed in the kitchen during the day, sleeping outside. He died out of barracks. I am informed that the Medical department has no knowledge of the third officer alluded to in the Question in connection with these barracks. The principal medical officer in Ireland, in his Report, January 2, 1875, states—

"The general health of the troops has been good during the period specified. The Grenadier Guards have not been so healthy for the past 20 years."

As I have already stated, the cesspits have long since been removed, and no cause of disease can now be found in the barracks; but additional ventilation for the drains has been authorized, and the Army Sanitary Committee will inspect the place on the 12th of April.

PUBLIC HEALTH ACTS—SANITARY CONDITION OF FOLKESTONE.

QUESTION. PERSONAL EXPLANATION.

SIR EDWARD WATKIN asked the President of the Local Government Board, If he has received a copy of the resolutions of a public meeting held at Folkestone on the 31st March (the mayor in the chair), and a letter from the medical officer of health (Mr. Bateman) in reference to a statement reported to have been made by the noble Lord the Member for Westmeath, impugning the sanitary condition of the town; and, if the details given by the Medical Officer of Health are correct, viz.: that in the years 1873 and 1874 there were only four fatal cases of fever and scarlatina, and in the three past months of this year no case of fever at all, in a population of 13,000; while the whole average mortality in past years has been under 17 per 1,000?

MR. SCLATER-BOOTH, in reply, said, he had received only that morning a letter in reference to the matter to which the hon. Gentleman alluded, accompanied by a report from the medical officer of health for Folkestone; that the statement which the hon. Gentleman had quoted was in accordance with the facts stated in the letter, and that there was no information at the office of the Local Government Board to lead him to doubt to accuracy of that statement.

LORD ROBERT MONTAGU said, as the statement just made would seem to impugn his accuracy, he must claim the indulgence of the House for a few moments whilst he set himself right in its estimation. He considered it a duty which every Member owed to the honour of the House, not to rest for a moment under the imputation of having deceived the House even in the smallest particular. In the first place, he had a right to complain of want of courtesy on the part of the hon. Gentleman who had put down this Question without having given him any Notice by letter or otherwise of his intention to ask it. He might

have been absent, he might not have returned from the Recess, and then the hon. Gentleman would have had an opportunity of blackening his character while he would not have been able to defend himself. The way in which this matter arose was as followed:—While the House was in Committee on the Artizans Dwellings Bill he was anxious to extend the operation of the measure to places of less population than 25,000, the figure proposed by the Home Secretary. His argument was, that in the smaller towns, worse places, more dens of fever, were to be found than in the large towns; and he gave as an example a town in which he had lived for many years, and with which he has well acquainted—namely, Folkestone. He stated then—and he repeated now—that there were dens of fever there worse than could be found anywhere else in this country. That statement was challenged by a town councillor of the name of Harrison, who went round with a paper with the view of getting the Mayor to get up an indignation meeting, because he was anxious that those dens should not be inspected, while he (Lord Robert Montagu) and those who were acting with him tried to force inquiry into those matters. The argument which he (the town councillor) used to the lodging-house keepers was that, if statements were published about the sanitary condition of Folkestone, visitors, by whom the lodging-house keepers made their livelihood, would not come to reside there in summer. “We are great as Diana of Ephesus; we gain our livelihood by lodging-houses; no matter about the health of the people.”

MR. SPEAKER said, that the noble Lord was entitled to give a personal explanation, in order to show the accuracy of the statement he had made; but he was now passing the bounds of explanation by debating the question.

LORD ROBERT MONTAGU said, he would confine himself to explanation. An indignation meeting was held, and to show the House the way he was attacked, he would quote one sentence from the speeches which were made at that meeting, when the resolutions to which the hon. Member's Question referred were passed. One speaker, the person to whom he had already referred, characterized his remarks in Committee of the House as being “the most

glaring, lying, barefaced statement I ever saw in print.” Had he brought that language before the House as a Question of Privilege, he ventured to think that the Speaker would have said that it was a serious breach of the Privileges of that House to make such an assertion with respect to the remarks of any Member in Committee. He did not, however, think it right to take up the time of the House by bringing the matter forward as a Question of Privilege. Nor did he think that those persons were worthy of the distinction of being brought to the Bar of the House, as they were persons who were always daily to be seen in their shirt sleeves. He preferred, rather, to treat them with the contempt they deserved; but he unhesitatingly asserted that if any hon. Gentleman would go to Folkestone and inspect the place, they would see for themselves that in the statement he had made in Committee he was not deceiving the House. He referred them also to the Registrar General's Returns, as published in *The Times* on the 19th of August last, where they would find that Folkestone stood, not in the first, nor the second, but in the third category of towns where the death-rate was 23 per 1,000, and not 17 per 1,000—that high death-rate being caused by those very fever dens to which he had referred. The rest of Folkestone was healthy enough, and it was in the localities of those fever dens where the death-rate was so high as 23 per 1,000. He would only add that in the statement he had made in Committee he had spoken accurately, and he never would be guilty of deceiving the House in any matter.

SIR EDWARD WATKIN said, he wished to say a single word in reference to what the noble Lord had said about not having received Notice of the Question on the Paper. He did not think that he had been guilty of any want of courtesy towards the noble Lord. When he gave Notice of the Question he was aware that the noble Lord was in the House, and therefore he thought there was no occasion to call the attention of the noble Lord to the matter, as he otherwise would have done. He would not enter into the matter of controversy beyond saying that he believed that the statements which had been made to the House in regard to the condition of Folkestone had still been made in error.

Lord Robert Montagu

NAVY—THE MARINE CORPS— PURCHASE.—QUESTION.

MR. ANDERSON asked the First Lord of the Admiralty, If he has yet issued the promised Order to put a stop to buying out officers in the Marine Corps; and, if so, if he will state the nature of it?

MR. HUNT, in reply, said, that officers of Marines were to make a declaration, on their honour, that they had not received any pecuniary inducement to retire. A declaration of a similar character was required on promotion, transfer, and retirement on half-pay.

ITALY—FLORENCE—IMPRISONMENT OF BRITISH SUBJECTS.—QUESTION.

COLONEL LOYD LINDSAY asked the Under Secretary of State for Foreign Affairs, Whether he will make inquiries into a case of alleged ill-treatment of two Englishmen who are stated in "The Times" of April 5th, to have been arrested by Italian gendarmes while making a walking expedition from Florence to Ravenna, and while so engaged were taken up, locked in a cell, and on the following morning were manacled together and marched a distance of twelve miles into Ravenna, where they were taken to the prison and deprived of all their property; and whether, should the statement prove correct, proper redress will be asked for?

MR. BOURKE: I have to state, Sir, in reply, that a report on this case has been received which is substantially identical with that which has appeared in the Press. The matter was referred by the Consul at Florence to Sir Augustus Paget, who at once addressed a representation to the Italian Government, asking for a searching inquiry to be made. There has not yet been time for the answer to that representation to be received.

IRELAND—SMALL POX (GALWAY AND MAYO).—QUESTION.

CAPTAIN NOLAN asked the Chief Secretary for Ireland, If he can inform the House how many cases of Small Pox have occurred since the 1st of October in the counties of Galway and Mayo; what has been the percentage of fatal results among those attacked; and, in what number of the cases which have

terminated in death had the sufferers been vaccinated, and in what number inoculated?

SIR MICHAEL HICKS-BEACH, in reply, said, he was afraid he was not in possession of sufficient information to enable him to reply fully to the Question. As it referred to the practice of inoculation, which was illegal and would therefore be kept secret both by those who carried it on and by those who submitted their children to it, the cases would, of course, not come to the knowledge of the authorities, except in rare instances. He regretted that he had reason to believe this practice had to some extent been resorted to in that part of Ireland to which the hon. and gallant Member referred. A case had been lately detected and prosecuted to conviction, the defendant having been sentenced to six months' imprisonment with hard labour. He trusted that conviction would have a salutary effect. As to the prevalence of small-pox in the two counties named, he had to say that the cases last year had been very few compared with those in previous years in which small-pox had extensively prevailed.

BREWERS' LICENCE DUTY. RESOLUTION.

MR. JOHN HOLMS, in rising to move—

"That, in the opinion of this House, the Brewers' Licence Duty is unjust and unfair in its incidence and ought to be repealed,"

said, he felt deeply sensible of his inability to do justice to this question, but he would endeavour to place the subject clearly and completely before the House, having due regard to brevity, on the one hand, and the importance of the question on the other. It was essentially necessary at the outset to remove some misapprehensions which existed in the public mind in relation to this question generally. There were some, he understood, who believed that in 1862 the brewers were instrumental in having the hop duty removed, and that they were quite satisfied with the Brewers' Licence Duty as it now existed. The brewers had nothing whatever to do with the removal of the duty on hops, that work being entirely carried out by the hop-growers themselves, under the very able leadership of the right hon. Member for Chester (Mr. Dodson). Another mis-

apprehension was that this question was, to some extent, part of the great licensing question which had occupied so much attention for the last two years. It was in no sense connected with that great question; indeed, it might well be discussed from the view of the hon. Member for Carlisle (Sir Wilfrid Lawson), who, he regretted to say, could not be present that evening owing to domestic affliction, as from the commercial and financial point of view from which he himself wished to treat it. Again, it was said that the brewers of this country were large and wealthy traders; but, so far as they were furnished with the facts, that was not the case. Last year the number was 28,968, and of that number 9,000 were so small that their whole annual turn-over did not exceed from £500 to £600. Whilst 18,600 did a business of under £2,000 of a turn-over, no doubt some of the remaining 1,368 did very large businesses indeed. He was perfectly well aware that the interests of the large brewers of the country were well represented in that House, and that probably it would be deemed presumption in him to bring forward such a question. Looking to the position of the small brewers, the course of affairs had been, as in relation to manufactures generally, that the larger gradually absorbed the smaller; but that was a state of affairs which need not be encouraged by unnatural means. Now, this licence duty undoubtedly operated in that direction. The tax was imposed in 1862; but it was essential to look at the Financial Statement of 1860, which was one of the most notable among the many made by the late Prime Minister, when he was Chancellor of the Exchequer. One of its main features was the lowering of the duty on the light wines of Europe. There was a slight reduction in the hop duty, preparing the way for its repeal in 1862. The Revenue at that time was only £150,000 more than the Expenditure, and the question was how to abolish the hop duty and avoid a deficit—in other words, how far it was possible to substitute with equity to all parties some other form of impost which would entirely set free the foreign trade as well as the British trade in hops. To do this the Chancellor of the Exchequer proposed to re-adjust the licence duty as it then existed, so as to take in the whole of the hop duties at that time. It was found that in the smallest quantity of

beer that could well be brewed—one barrel—2 lbs. of hops and two bushels of malt would be used, and if 2 lbs. of hops were taxed at the then rate of 14s. per cwt, there would be 3d. a-barrel as the future outcome of the Brewers' Licence Duty. On that basis this tax was imposed. The Chancellor of the Exchequer held out to the brewers and consumers that they would obtain a supply of hops at a lower rate, and that, therefore, this would not really be a tax. In his (Mr. Holms's) opinion the right hon. Gentleman was perfectly justified in the view he then entertained. Before the duties on light foreign wines had been reduced, the importation was 6,000,000 gallons; but in 1862 it had increased to 9,650,000 gallons, and since to a far greater extent. It was calculated that an increase in the importation of hops would also follow the change proposed, and that hope was founded on the fact that whereas the average amount of the import duty was but £30,000 a-year, it amounted in 1862 to £110,000. The right hon. Gentleman was therefore justified in believing the price of hops would be lower, but the result was entirely different. In fact, hops were a great deal higher now than they had ever been known in this country before. In re-adjusting the Brewers' Licence Duty the Chancellor of the Exchequer of that day laid it down, as a rule, that the charge should be so taken as to relieve the small brewers, who, in comparison with the larger, were hardly dealt with. This was a matter of very considerable importance; but the fact was that even now the pressure was still the other way, for while the man who only brewed 20 barrels of beer paid at the rate of 7½d. per barrel duty, the brewer of 50 barrels paid only 6½d., the brewer of 100, 5d. per barrel, and the brewer of 1,000, 3½d. So that the injustice remained till this day. Undoubtedly before the hop duty was removed everybody paid according to the amount of hops consumed; but now the poor man whose beer had only a "nosing" of hops had to pay the same through the licensing duty as the rich man who used 1s. 8d. worth of hops per barrel. The Chancellor of the Exchequer at that time said—

"It would not be quite just to the regular brewer when called upon to make an equivalent payment in respect of the hop duty, that the private brewer should be allowed to go scot-free."—[3 *Hansard*, clxvi. 408c.]

Mr. John Holms

Again, that it would be extremely hard that the brewer who brewed for sale should pay 3*d.* a barrel in lieu of duty, and that, at the same time, anyone who brewed for himself should be allowed to brew without doing so: And again, that—

"We are going to require from brewers for sale a payment in hard cash for every pound of hops they are estimated to use, and we cannot fairly make that demand upon them if we give to persons who choose to brew in private a positive premium by telling them that they shall have their hops free of duty without any payment at all. It may be true that brewers for sale brew more cheaply than private brewers. With that we have nothing to do. Our business is simply not to interfere. We ought not, without grave reasons, to give a premium to private brewers: but we should, as far as we can, leave both parties in the position in which we find them, asking them to bear the same burden of taxation."—[3 *Hansard*, clxvi. 782-3.]

Nothing could be more emphatic than that language, yet not a single private brewer had paid any duty since 1862, and some large private establishments were now brewing at least as much as anyone out of nine-tenths of the small brewers for sale. A letter he had received from a small brewer gave an instance of a private establishment which brewed 200 quarters of malt a-year, and it was added that 20,000 brewers who brewed less ale in the year were obliged to pay duty. Many large farmers now brewed beer for their homesteads, and even paid part of the wages in it; undergraduates at the University Colleges were getting their beer duty free; and some large places of business in London were taking advantage of the fact that they could brew without paying more duty than that upon hops. The House accepted the maxim of Adam Smith that the subjects of the Realm ought to contribute to its revenues as nearly as possible in proportion to their ability; but that maxim was violated when the rich nobleman was exempted from a duty paid by the small brewer at his gate. His belief was that had Parliament, in 1862, had the least notion that private brewers were to escape, the measure of that year would not have been passed. It was not so much of the amount of this tax as of the manner in which it was raised that he complained; it was one of those taxes that shackled trade and crippled industry. Had a slight increase been placed on the malt duty in 1862, we should have been rid of the difficulties attending the collection of this tax, and the worry-

ing of the small brewer, and the private brewer would have paid his proportionate share of it. The tendency of our legislation in this country had been to encourage free trade, to open our ports to raw materials, and to remove every shackle from industry. In 1830 Mr. Poulett Thompson illustrated the condition of manufactures that were impeded by taxation, and he read a letter describing the hindrances to the manufacture of paper incidental to the collection of the duty upon it. That letter was strikingly analogous in the description it gave to another letter which he held in his hand, which related how brewers were hampered by having to give lengthened notice of the exact quantity they desired to brew, and to place distinctive marks on all their rooms, under a penalty of £200, while they had to pay the duty in advance; so that it was a tax on capital as well as on production. What trade would stand the re-imposition of a duty on what had once been relieved? Would calico printers tolerate a re-imposition of the duty of 3½*d.* a square yard on calico? Yet the Brewers' Licence Duty was practically a repealed tax re-imposed. It was clearly unfair as well as impolitic that any particular trade should be singled out for taxation opposed to the general tendency of our legislation. In 1830, three reasons influenced Parliament in removing the duty—first, it was done to remove a shackle from trade; secondly, it was done to remove the very inequality which was now urged as a grievance, for it was said at the time that the beer duty fell wholly on the lower and middle classes, who did not brew their own beer; and, lastly, it was said that the existence of the beer duty favoured the consumption of ardent spirits, which, he believed, was a sound reason for repealing it. Contrary to the intention of Parliament, however, the condition of the small brewer was worse at the present moment than in 1830, because of the trammels imposed upon his trade. There were 27,000 of these small brewers, many of whom retailed their own beer. They had first to pay the duty on malt; they had then to pay on the malt in their brewery; thirdly, if they were retailers they had to pay a licence duty; and, lastly, they paid income tax. They were, however, in the latter case in a different position from their brother-manufacturers, because the Inland Revenue had

before them the returns of the malt they had used, and they corrected one return with the other. He believed that if the beer brewed for the working classes was of a sound and good quality there would be a fair chance of its displacing a portion of the present enormous consumption of ardent spirits. There was considerable misapprehension as to the drinking habits of the working classes and the use they were making of their money, and he had, therefore, prepared two sets of facts which threw some light on the subject. The first showed the home consumption of beer, wine, and spirits in 1860 compared with 1873. In beer the increase had been 35 per cent; but when it was recollected that in England and Wales beer was the beverage of the working classes, while very little was drunk in Scotland and Ireland, and when it was further recollected that the population of England and Wales had increased during that interval by 17 per cent, while taking Ireland and Scotland together, there had been no increase of population at all, it would be found that there had been an excess of 30 per cent in beer over the consumption of 1860. In wine, however, the excess of increase in 1873 as compared with 1860 was not less than 137 per cent. In spirits the increase was 30 per cent; but in brandy, of which the working classes drank least, it amounted to 158 per cent. The rich man now drank three bottles of wine where he used to drink one bottle, although the amount of duty paid into the Exchequer upon our total import of wine was precisely the same. But it was far otherwise in regard to beer. The poor paid precisely in the ratio of their consumption, and they paid an increase of £6,200,000 as compared with 1860. He would not deny that in many places they drank too much beer, but during the last Easter holidays, staying in a country house in a neighbouring county, he was told by his host that the labourers of that part of the country did not get beer more than once a week. They met a labourer whom they questioned upon the subject, and he told them that he drank cold tea to his dinner every day but Saturday, and he believed that this was true of many other counties. The other set of facts which he had prepared, showed that if more beer were consumed, the consumption of beer was not greater, but less in proportion to other articles of diet. In 1860 the

home consumption of butter was at the rate per head of the population of 3·26; in 1873, 4·39. In cheese it was, in 1860, 2·24; in 1873, 4·69. In currants and raisins it was 3·59; in 1873, 4·29. In eggs it was 5·83; in 1873, 20·56. In potatoes, 2·18; in 1873, 26·17. In tea, 2·67; in 1873, 4·11. In malt, however, it was 1·45; in 1873, 1·98. So that the working classes were not spending the whole of their increased earnings on alcoholic liquors. It was an axiom that whatever manufacture was carried on should be left as free as possible to the manufacturer. Let the Government tax the article used in the manufacture of beer if they pleased, or after the manufacturer had made it, but not trammel the man in making the article itself. It ought also to be borne in mind that we had competitors all over the world, and unless we left the manufacture of beer as free as possible, our brewers would find themselves at a disadvantage with their rivals. Our export trade in beer already amounted to £2,500,000 a-year, and we had competitors in Austria, Germany, and elsewhere. The question had been raised whether this was a tax that fell upon the producer or the consumer. He would take it either way; but if the producer had paid it, the present system as the right hon. Gentleman (Mr. Lowe) had pointed out, gave a qualified monopoly to the rich brewer, who more easily paid the duty beforehand. He was, however, quite confident that, as a rule, the consumer paid the duty in the shape of a deteriorated article, and that, therefore, this was a consumer's question, and it was for the House to consider further how far they were by this tax encouraging adulteration, especially in the beer produced for the poorer classes. He could not imagine that the brewers expected that this duty could be entirely repealed without something like a registration licence being substituted for it. He had, however, no doubt that this was one of those duties which ought to be removed at the very earliest date. No one could expect that it would be repealed at the expense of the creation of a new tax; but if it were unjust, and he believed it to be, in addition, most injurious and impolitic, the Executive Government ought to remove the duty at the very earliest moment. The hon. Member concluded by moving his Resolution.

Mr. John Holms

MR. SHERRIFF, in seconding the Motion, said, he objected to the duty in question because it was saddled on the brewers in consequence of anticipations which had never been realized. At the time when the hop duty was abolished, it was supposed that a large reduction would be made in the price of hops; and as it was thought that the brewers would receive all the advantage, it was deemed right and fair that they should pay to the Exchequer a portion of the benefits they were to receive. What, however, were the facts? In 1862 the price of hops was between £6 and £8 a cwt.; now the same quality of hops could not be bought under £14 to £16. The brewers, therefore, instead of receiving an advantage, had to pay double the price they paid in 1862, and on that account this tax ought to receive great amelioration, if it were not completely removed. He objected to the tax also on account of its inequality. Since the tax was levied, there had been a reduction in the number of small brewers to the extent of over 700 a-year; and he believed, if it were continued, an industry which was of great importance to many towns and country districts would be altogether extinguished, so far as small brewers were concerned, and the manufacture placed in the hands of a few gentlemen who had the command of unbounded capital. He was aware that it had been said that matters affecting taxation ought not to be brought forward before the Chancellor of the Exchequer had made his annual statement, or upon Budget night, or after the financial scheme had been launched. Still, he hoped that the present being no Party question, and one which was founded in reason and justice, Her Majesty's Government would see their way to a reduction, if not to a total abolition of the tax.

Motion made, and Question proposed,

"That, in the opinion of this House, the Brewers' Licence Duty is unjust and unfair in its incidence and ought to be repealed."—(Mr. John Holms.)

THE CHANCELLOR OF THE EXCHEQUER: I regret, Sir, very much, for various reasons, the absence from the House of the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson). We always listen with pleasure to the speeches of the hon. Baronet, and the cause of his absence to-day must enhance our regret that he is not in his place. I

regret his absence also because he has placed upon the Paper a Notice which appears to me to indicate the proper mode of dealing with the question which has been submitted to us by the hon. Gentleman opposite, and I will take upon myself the duty the hon. Baronet would have discharged were he present, and conclude by moving the Previous Question upon the Resolution of the hon. Member for Hackney. I do so partly because, as has just been said by the hon. Member for Worcester (Mr. Sherriff), it is not very convenient that the House should come to a Resolution of this character upon the eve of the Budget; but, at the same time, I wish distinctly to say that I do not at all challenge the propriety of discussions of this sort—a fair and full discussion upon the merits of taxes, either before the Budget or when it is laid before the House, or, indeed, at any time that may appear to be desirable for attracting attention to the subject. I will go further, and say that with regard to this particular question, I think it is one which very well deserves some quiet and candid and impartial consideration on the part of Parliament; because, although it has been brought forward from time to time for a good many years, and although it has been more than once adverted to in this House by private Members, by Chancellors of the Exchequer, and by other Ministers, yet unquestionably it has been commonly discussed under circumstances of some disadvantage. I am ready to concede to the hon. Member for Hackney that there is some force in the opening part of his observations with regard to some of the fallacies with which the question has been more than once met. For instance, it is a fallacy to deal with it and seek to set it aside on the ground that brewers are a rich body. It is perfectly true that there are a very large number of brewers who are men of very moderate means, and who are not to be passed over because it is said that they belong to a rich body of persons. I would even go beyond that, and say, Let them be as rich as you please, they are not to be treated unjustly. They have a right to come forward and say—"You are not to treat us unjustly simply because we are rich. We demand justice, and if we can show that we are treated with injustice, we have a right to ask for redress." Again,

I would frankly admit that there is no reason why we should say, We will not deal with this manufacture as we deal with other manufactures, because it is capable of being turned to abuse. No doubt, any intoxicating liquor may be, and often is, abused; but as long as men conduct their business fairly and properly, and are engaged in a legitimate calling like this, odium ought not to be attached to it, or fair play withheld from it. Therefore, I say it is quite reasonable and fair that every question should be heard, and temperately and fairly considered. On the other hand, I must be permitted an observation on the other side. I think it would be very unfortunate that anything like what may be called "Party" and "political" feeling should be imported into a question of this sort. It would be greatly to be lamented if in a question like this any political influence which might be supposed to be possessed by a body of men such as the brewers are, should be allowed to enter into the consideration of the subject, as though hon. Members were not to regard it on its own merits and decide it without reference to the influence a particular body of men may exercise in the constituencies. I believe there are circumstances connected with the agitation on this subject which justify me in making that remark, and in warning hon. Members that in a question of this sort they ought to lay aside all considerations except those of abstract justice and expediency. Now, the hon. Member for Hackney asks us to affirm a Resolution of a very serious character. He asks the House to say that the Brewers' Licence Duty is unjust and unfair in its incidence, and that it ought to be repealed. Well, I believe if we were to take any one tax upon our list of taxes, and devote ourselves exclusively to a consideration of that tax in order to see whether we could not find inequalities, or what might be called unfairness in it, there is scarcely any tax that would absolutely stand such a scrutiny. Take, for instance, the duty on tea. It would be perfectly competent for anybody to say that it is unfair because it presses equally on tea of a high quality and on tea of a low quality. I hardly like to refer to the income tax; but who has not heard it said that it was unfair in its incidences? Then, again, you might take local taxation, and many persons would be

ready enough to say that it is unfair in its incidence, because it presses unequally on different classes of property. If you take any article in the whole category of taxes, it is probable that you will find in it some kind of unfairness and inequality. But you are not on that account to come forward and ask the House of Commons to pass a solemn Resolution that any tax in which you can find inconveniences or inequalities of that sort is to be condemned as unjust; and still more ought you to be cautious that you do not carry a Motion of that kind to the extent of declaring that the tax is so unfair that it must necessarily be repealed. If there are inequalities, let us consider what these inequalities are; whether they admit of being remedied without the necessity of sweeping away the tax altogether, or whether the tax is such that however you amend it, it still must remain unjust, and therefore ought to be abolished. This is the last position which the Motion asks the House to take, and which the hon. Gentleman in his speech points to. Well, now, where is the essential injustice of this tax? I am not talking at this moment about the particular incidence or the scale of the tax—I will come to that presently—because I am disposed to admit that there is something to be said on the scale of the tax. But let us look at the tax itself, irrespective of the particular pressure of the scale in its present form. The hon. Gentleman who moved the Motion made an admission or statement towards the end of his speech which I was very glad to hear, and in which I think he was perfectly right. I doubt whether everybody promoting this movement, or the brewers out-of-doors, will agree with him. He said it was a consumers' question, and I believe it. I will not take upon me to say what is the precise mode in which this tax is distributed in the prices charged to the consumers of beer; but of this I am sure, that the original burden laid upon the brewers and sellers of beer is taken into account in the arrangements they make; that it bears upon the rate of profit they make; that it influences the price paid, either the actual price in money, or which is more unsatisfactory, the price paid in deterioration of quality, by the consumer. We must, therefore, approach it as a consumers' question. The hon. Member asked whether there was not an injus-

tice in this tax. What are the circumstances? It has long been the policy of Parliament to raise a considerable amount of revenue by taxation imposed upon various intoxicating liquors—spirits, wine, and beer, or the materials that compose beer. A direct duty on beer has long been given up. In the year 1862, the duty upon hops was put an end to; and at that time this surcharge upon brewers' licences was introduced instead. Well, the hon. Gentleman says the reason why the duty on hops was taken off in 1862 was that the duty on light wines had been greatly reduced, and that it was thought fair by the Chancellor of the Exchequer, my right hon. Friend opposite (Mr. Gladstone), at the time to make some reduction in the duties on beer in order to balance the reduction that had been made in the duties on light wines. I confess that is a new view to me. I confess that is not the way in which I heard the speech of my right hon. Friend when he brought forward the Budget in 1862. As far as I recollect, the main point that was made by the Chancellor of the Exchequer was this—that there were inherent objections to the hop duty; that it caused great inconvenience; that it was productive of gambling and uncertainty, and that it was open to a great many objections. Therefore, he proposed to meet those objections by abolishing the duty. The hon. Gentleman curiously enough, without perceiving the tendency of his own argument, quoted the statement of the Chancellor of the Exchequer to the effect that he would endeavour to provide some other means—as he could not spare the revenue—by which he might be able to bring into the Revenue about the same amount as had been obtained from the hop duty. But if the right hon. Gentleman was proposing to take off the hop duty in order to reduce the tax on beer in compensation for the reduction in light wines, I do not quite understand why he should substitute something that would bring in the same amount of Revenue from the same article. I have never been able to discover either in what was said on that occasion or on subsequent occasions by my right hon. Friend, that he held out any idea, such as brewers are apt to suppose existed in his mind, that this was a mere temporary removal of the hop duty, and a temporary placing of it

on brewers' licences with the view to get rid of it altogether whenever he had a sufficient surplus. What the Chancellor of the Exchequer proposed to do was to alter the incidence of the tax without diminishing the flow of Revenue into the Exchequer. Now, has he done more than that? I think not. I had a comparison made some time ago as to the amount that came into the Exchequer under the present system, and what would probably have come into it under the old hop and licence duties. The calculation was made for 1873; but it would be applicable more or less to the year which has just passed. The result is, that in 1873 the brewers purchased something like 65,500,000lb of hops, and according to the old duty of 1½d. per pound, this would have produced £409,000. There would have been also the old licence duty, which would have produced about £78,000; and the total result of the maintenance of the old duties in the year 1873 would have been about £487,000. The amount which was actually paid into the Exchequer under the present system was £448,000, or £39,000 less than the Exchequer would have received if the old system had been maintained. That proves this at all events, that the arrangement was one which gave effect to that which the Chancellor of the Exchequer said was his intention in doing away with the hop duty—namely, to substitute for it a tax in the form of an addition to brewers' licences which should produce somewhere about the same amount of revenue as the hop duty had produced. The arrangement has produced rather less. The Exchequer is not a gainer thereby, and the consumer, we may presume, is left in about the same position as before. The hon. Gentleman says that the Chancellor of the Exchequer, when he made this change, held out certain advantages which have not been realized—that he said brewers would not suffer from the additional burdens put on them, because they would get their hops at a lower rate. The hon. Gentleman says that has proved a delusion, and that the price of hops has not fallen but, on the contrary, has risen. I do not intend to enter into the question whether the price of hops has risen or fallen, because I do not think it has anything to do with the question. The point is, what the effect of the removal

of the duty upon hops was, and whether if you had not removed that duty hops would not have been higher now than they are. It is true that the price of hops has risen, though the rise has been a good deal exaggerated; but I cannot see how, because the price has advanced after the duty has been taken off, therefore the taking off the duty did no good at all. Some years ago the duty was taken off gloves; yet I know that I pay more for my gloves than I did before; but it does not follow that there has been no relief to the purchasers of gloves by means of taking off the duty. The fact, is that there has been a very large increase in the demand for hops, and the effect has naturally been to raise the price. I suspect, however, that you will find that the price has been steadier than it was before; and, certainly, if the duty had not been removed, the price of hops would have been higher than it now is. The hon. Gentleman points out, as did the hon. Member for Worcester, that the number of small brewers is continually diminishing, and he says you must attribute that to the alteration which was made as to brewers' licences. The licence duty crushes, as I understood him, small brewers. But if the hon. Gentleman had carried out his researches a little further he would have seen that the diminution in the number of small brewers did not commence with the abandonment of the hop duty, but that it has been going on for a great number of years—since 1830 most assuredly. The reduction since 1830 was from 49,228 to 38,000 in 1862. No doubt there has been a further decrease since; but it is a decrease which is due not to this system or any other system, but to natural causes, which would have operated whether you kept up this duty or not. The natural advantages possessed by large capitalists and great brewers have been quickened and advanced of late years by the development of the means of communication, and the consequent ease with which beer in large quantities can be transported from extensive manufacturing centres over the whole country. The almost inevitable result of this has been to close many of the small breweries which previously existed in parts of the country placed beyond the reach of the large towns. These brewers have been displaced by the superior energy and the great excellence of production shown by

the large brewers whose names are household words among us, and not in any way by the operation of the licensing of brewers. I would also point out, as confirming this view, and as an answer to another objection raised by the hon. Gentleman, that the same process which has resulted in the reduction of the number of small brewers has operated also upon the practice of private brewing, which instead of being a formidable competitor to the business of the public brewers, has become altogether insignificant, in comparison. We cannot say what is the exact amount of private brewing, for we have no Returns; but we can say what is the difference between the quantity of malt charged with duty and the quantity known to be used by the public brewer; and it is fair to infer that the remainder chiefly represents what is used by private persons. Until about the year 1862 the difference between the total quantity of malt charged with duty and that known to have been used by public brewers was about 2,700,000 bushels. This may be taken to represent the quantity used by private brewers and manufacturers of vinegar and yeast. During the last seven years the difference to which I allude, instead of being 2,700,000 bushels, has fallen to 400,000 bushels, about half of which, it is fair to assume, has been used in the manufacture of yeast and vinegar; so that, as will be seen, the consumption of malt in private brewing is less than half per cent of the total consumption. While I admit that in theory an apparent injustice is done by allowing the private brewer to use malt which has not paid duty, I contend that in practice the injustice done is very insignificant; but that is a matter that lies rather apart from this part of the question. I now come to another portion of the question, that is with regard to what the hon. Gentleman said, and said with truth, as to the inequality of the present scale of licences. One of the points strongly insisted upon by my right hon. Friend the Member for Greenwich (Mr. Gladstone) when he made the alteration in 1862 was that, according to the then existing scale of brewers' licences, very great injustice was done to the small brewer, who was called upon to pay a certain fixed sum, while the larger brewer who paid somewhat more was only called upon to do so up to a limited point, beyond which

there was no increase whatever in the amount of licence duty which he had to pay. My right hon. Friend therefore proposed the present scale, which was intended to remedy the injustice complained of, and instead of stopping at a certain limit it was so arranged as to carry on the tax up to any amount that the brewer might brew. But if you will look into the details of that scale you will find this unsatisfactory result, that the small brewer pays a great deal more on the malt that he brews—say 20 or 30 quarters—in reference to each barrel, than the brewer who brews his hundreds of thousands of barrels; and, therefore, that is an injustice that is still in existence under the present scale. This matter is one to which I have given consideration, and it is a point upon which I hope to be able to make at the proper time some proposal to the House. I shall do this because I think such a proposal will be entirely consistent with the spirit of the plan adopted by Parliament in 1862 at the instance of my right hon. Friend the Member for Greenwich. Passing to another point mentioned by the hon. Gentleman the Member for Hackney, I must say that I do not think any alteration in the amount of licence duty chargeable would remedy the grievance of which he complains when he says that the charge falls more heavily than it ought upon the brewer who uses but a small quantity of hops in comparison with the malt which he puts into his beer. The inequality arises from the varying principles on which different brewers conduct their manufacture, and cannot be remedied or mitigated by altering the licence duty. Then there is one other point on which the hon. Gentleman has touched, and which I know is one that is very largely complained of, and that is one which I think is worthy of consideration also. It relates to the time at which the duty is collected. What is said is, that under the old system the hop grower paid his duty, but credit was allowed to him, and he frequently had a considerable time before he had to pay the duty; and that, to a certain extent, the brewer got the benefit of that length of time, whilst there is no credit now, but the tax is levied even before the beer is brewed. That is a point that is worthy of consideration, though it is not convenient at

the present moment that I should make any positive statement; but it is a matter that I have undoubtedly under consideration, and I should be willing to see whether it would be possible to meet the complaints upon the point. With regard to the actual incidents of the scale and the time that the duty is collected, on these two points I am quite willing to say that the subject is under consideration. I have had frequent communications with practical officers upon the subject, and though I reserve myself from any pledge, I may say that it is one on which I am not indisposed to consider the frequent communications that have been made to me. With regard to the general argument of the hon. Gentleman that this duty is in itself unjust, and that it is one which the House can only deal with by abolishing it, I am sorry to say I can only resist such a proposition, as being unreasonable, unfair, and not capable of being sustained by argument. It is all very well to compare brewing with the manufacture of calico or any other similar process, but we all know that the two things are not similar. The taxes laid in some form or other upon the manufacture of intoxicating drinks are altogether out of the category of taxes laid, or possible of being laid, upon the production of articles such as calico, and I cannot for a moment admit the force of arguments based upon analogies which are no analogies at all, and ought not to determine our course in a matter like the present. In conclusion, therefore, I will only express my hope that the House will not adopt that which is, as a rule, the inconvenient practice of placing upon the Books of the House a Resolution condemnatory of a tax of this character. There is nothing in the circumstances of this tax to warrant any such exceptional course; and I think the House will do wisely by leaving the matter in the hands of the Government, contenting itself with the fact that the question has been fairly brought forward and temperately and dispassionately discussed. The right hon. Gentleman concluded by moving the Previous Question.

Previous Question moved.—(*The Chancellor of the Exchequer.*)

Mr. SULLIVAN said, it was his intention to have moved the Previous Question, in the absence of the hon.

Baronet the Member for Carlisle, (Sir Wilfrid Lawson) if it had not been done by the Chancellor of the Exchequer. The hon. Member for Hackney (Mr. J. Holms) and the Chancellor of the Exchequer had both looked at this question within a very narrow sphere indeed. The majority of the Irish Members of the House held that, as a class, the brewers, from whom this complaint emanated, had been exceptionally favoured in the matter of legislation. It had been stated that the brewing interest was in a state of decay, but he was unable to find any evidence of it, either in the metropolis or elsewhere in England; and so far from its showing any signs of ruin, decay, or death, beer was king in this land. It might, however, be true that the small brewers were being slain by their greater brethren. The abolition of this tax was urged as a relief to the brewers, and as an encouragement of the manufacture of beer in the interests of sobriety; but it struck him as being a very extraordinary appeal. It was on that ground that the late Prime Minister introduced the sale of light wines in England and Ireland by confectioners; but a more disastrous measure to morality had rarely emanated from that House, for it had increased tippling among the women population of Ireland to an extent previously unknown there. So far from its being in the interest of sobriety, it had established so many fashionable drinking schools and female drunkards. What he wished more particularly to point out, however, was that the beer interest was already unduly favoured. Assuming that alcoholic beverages ought to be taxed according to the amount of spirit they contained, he found that beer paid only 2s. per gallon, German and French wine 4s., Spanish and Portuguese wine 6s., and whiskey no less than 10s. Now he made to the hon. Member for Hackney (Mr. J. Holms) this proposition—that he should equalize the duty upon all alcoholic spirits in the country, whether it was contained in beer, wine, or whisky, and then he should be able to come before the House with a case that was at all events, equitable as between the different branches of the trade. Beer was principally made in England, while whiskey was, for the most part, an Irish and Scotch manufacture; and he trusted that before conferring further advantages

on the brewing interest, the right hon. Gentleman (the Chancellor of the Exchequer) would set about redressing the inequality which already existed in regard to this matter between the different parts of the United Kingdom.

MR. HERMON said, he hoped that after the statement made by the Chancellor of the Exchequer the hon. Member for Hackney would not press his Resolution to a division, and he also hoped that the Chancellor of the Exchequer would, when he addressed himself to this question, consider whether the inconveniences arising from the calls of the Excise officers upon the brewers could not be removed.

MR. GLADSTONE: Having been the person who originally introduced a proposal for the repeal of the Brewers' Licence Duty to the House, I may perhaps be permitted to say a few words on the present motion. It appears to me that the right hon. Gentleman the Chancellor of the Exchequer has taken the right course in this matter, viewing the time and the circumstances under which the Motion has been addressed to the House. Even if he were prepared to deal with the subject, it would be impossible for him at the present moment to agree to a Resolution of this kind, which would impair and cripple his power of dealing with the general finance of the country. At the same time, there is little value, it appears to me, in the argument which is so constantly urged upon the House, that Resolutions directed against particular taxes ought not to be brought forward at this period of the financial year. A Motion for the repeal of a particular tax is commonly said to be too soon if taken before the Budget, and too late if taken after it. Now so far as my experience goes—and I have had a good deal of experience in matters of this kind—that is not an accurate statement of the case. A proposal of this kind made before the Budget is, no doubt, inopportune when it merely asks the House to pledge itself with regard to a particular portion of the finances of the country without keeping the higher financial position of the country in view. In that case the objection would not, I think, be unfair if it were urged that the Motion was made too soon; but undoubtedly no one is in a position after the Budget to urge that then the Motion is too late.

Mr. Sullivan

If a Member then disapproves of any portion of the financial scheme of the Government, or if he has an alternative plan, there is no reason why he should not bring his Motion forward. I could easily, if necessary, cite cases in which this has been done; when it has been my duty to propose the repeal of a tax, or to suggest an alteration. Motions in opposition have been made to my proposal, and either success has followed the opposition, or else it has met with very formidable support. In any case the proposal in opposition has had a fair trial, and a just comparison has been made between the rival schemes. In this case my right hon. Friend the Chancellor of the Exchequer does not find himself in a condition to offer an actual opposition to the proposal of my hon. Friend the Member for Hackney, and I am very much disposed to concur in his observations as to this duty. It may be amended and mitigated, although not repealed, and I think that the two questions ought to be kept entirely distinct. For total repeal I should decline to vote, or for the repeal of any other tax, until I had the whole finances of the country under review. As a general rule, I think that to vote for the repeal of a tax would be inexpedient, except when we had the power of considering it in connection with the entire finances of the country. There might be some other case not then before me in which the inducement to repeal would be much stronger than in the case of this particular tax. My hon. Friend behind me will not, I think, compromise his title to urge his question on the House, when we know the actual condition of the national finances, and to press for the repeal of this tax, provided there be money disposable by withdrawing his present Motion, and therefore I hope he will cheerfully accept the promises made by the Chancellor of the Exchequer on the part of the Government. The protest that has been made against premature proceeding will not in the slightest degree deprive him of his power to renew his application when the general finances of the country come on for consideration.

MR. FIELDEN said, he could not support the Motion. The hon. Member for Hackney had made an admirable anti-malt tax speech, but he regretted to say that when he brought forward

last Session his Motion for the repeal of the malt tax the hon. Member for Hackney was conspicuous by his absence on the division. He had always urged the repeal of the malt tax on the ground that it was an interference with the farmer in the cultivation of his land, as well as with the maltster in the manufacture of his malt and the brewer in the manufacture of his beer. Whenever they interfered with any industry by public officials, who necessarily laid down stringent rules and regulations, they did an irreparable injury both to the manufacturer and the consumer. In the abolition of the hop duties they took off the duty on the article at the point of production and laid it on at the point of consumption. That was the true principle. The Brewers' Licence produced something like £500,000 a-year, and the malt tax produced over £7,000,000 a-year. He thought the impost unjust; but he objected to repealing the Brewers' Licence until the malt tax was repealed.

MR. BASS said, he had been instructed and gratified by the able speech of the hon. Member for Hackney (Mr. Holms), and he had listened with the interest that it demanded to the speech of the Chancellor of the Exchequer, which was one of great ability and immense ingenuity; but he did not think that any hon. Member was satisfied by his arguments that it was fair to tax one class of tradesmen whilst all others were free. He saw no good reason why he should be obliged to pay some £10,000, £12,000, or £14,000 a-year for liberty to begin his business, while wine merchants and others were allowed to go scot-free. The injustice thus inflicted was, he contended, one which was unparalleled in any other country. In 1860, when the duty on wine was reduced in many instances from 7s. 6d. to 1s. per gallon, no extra licence duty was imposed. If every manufacturer and trader was bound to take out a licence for carrying on his trade the brewers would not complain; but it was unjust to tax in that way one class of tradesmen alone. The Chancellor of the Exchequer was wrong in thinking that the increase of the price of hops since the repeal of the duty was the natural consequence of a large increase in the business of the country. The reason was that the grower, not being forced into the market with his

hops as soon as gathered to raise money with which to pay the duty, was able to hold on and get a better price. The Chancellor of the Exchequer had said that the Brewer's Licence was an injustice in theory and not in practice; but if he had to pay £12,000 or £14,000 a-year for carrying on his trade he would find it was an injustice in practice as well as in theory.

MR. J. G. HUBBARD recommended the hon. Member for Hackney to withdraw his Motion as premature, until the Chancellor of the Exchequer made his Financial Statement. He deprecated the idea that it was inopportune to discuss important questions of finance at any time when it was done without any intention of embarrassing a Government. He was not concerned for the brewers, and he did not believe that the imposition of this tax was a very serious injury to them, because, as in almost every other case, it was the consumer who, sooner or later, paid the tax, but he objected to it as a tax on a profession. He thought it wrong in principle to tax professions of any kind. He thought it a great advantage that the Chancellor of the Exchequer should have the opinion of the House freely expressed as to those taxes. This tax was unjust and unfair; it was a graduated tax, but graduated in the wrong direction, to the gain of the large brewer and the disadvantage of the small brewer. It was thoroughly vicious in principle, and therefore he would set his face against it.

MR. JOHN HOLMS, in reply, said, he was glad to find that the Chancellor of the Exchequer intended to examine into a small portion of the tax, but the speech had confirmed him in his intention of going to a division. That speech contained two points—the inequality of the scale, and the time of payment; but, as the main grievance, the vexatious character of the import. He trusted that the House would go to a division, and he rejoiced that the right hon. Gentleman had, in some sense, by moving the Previous Question, challenged one; because any Government which seriously intended to take into consideration a question of that kind would be strengthened in doing so if it knew the mind of the House upon it. It was high time that the opinion of the House should be declared on that subject.

Mr. Bass

Previous Question put, "That that Question be now put."—(*Mr. Chancellor of the Exchequer.*)

The House divided:—Ayes 83; Noes 203: Majority 120.

BANK HOLIDAYS ACT (1871) EXTENSION AND AMENDMENT BILL.

(*Mr. Ritchie, Mr. Wheelhouse, Mr. Kay-Shuttleworth, Sir Colman O'Loughlen.*)

[BILL 30.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Ritchie.*)

MR. JAMES rose to move that the House resolve itself into Committee on the Bill that day six months. He said, that it was an invidious duty to undertake to oppose a Bill of this description; and in so doing he wished it to be understood that he did not grudge holidays to any member of the community. He opposed the Bill because, in his judgment, the principle on which it rested was unsound. It was a step in advance of the Bill of the hon. Baronet the Member for Maidstone (Sir John Lubbock), and an interference with trade. If it passed, it would become highly important to know where that description of legislation was to end. He was aware that the assumption on which the Bill before the House was framed was that the original Bill had been attended with so much good that it was deemed advisable to give to its provisions a wider application. He had inquired of managers of banks in London and the provinces, and nearly all of them said that the Act had worked well, and had been attended with great success, while its inconveniences had been comparatively trivial. Still, there were some inconveniences, such, for instance, when a holiday fell upon a market day in a country town. For this reason, he thought it would have been well had the Bill been made applicable to London, and London alone, as its conditions were daily becoming so different from those of other towns; elsewhere arrangements should be left in private hands, as at present people were taken from their work at inconvenient times. He observed that docks had been struck out of the Bill; but if the Customs remained that would, to a great extent, affect docks as well.

He thought the hon. Gentleman (Mr. Ritchie) should explain why the Customs, Bonded Warehouses, and Inland Revenue had been selected as objects for those special favours. If they adopted the principle of the Bill they could not allow it to stop there. It must be extended to the *employés* at the Post Office, to railway servants, miners, factory operatives, agricultural labourers, publicans, and others. He knew of no reason why, if a man was interested in a large number of railway operations, he should be subject to those fixed holidays. He wished to know why Bonding Warehouses and Custom Houses were especially selected? Another question he wished to ask of the hon. Gentleman was whether he was aware that the existing law entailed a large charge upon the public? He thought the House ought to know clearly, before it voted this Bill, whether the extensions it proposed would lead to increased expense; and, if so, where that expenditure was to end? He moved that the Bill go into Committee on that day six months.

Mr. PALMER seconded the Amendment, believing that the effect of the Bill would be to interfere most unjustifiably with trade. The steamship owners in the North of England had sent a memorial, which had been presented to the House that day, setting forth that if a steamer arrived on a Saturday afternoon preceding a Bank Holiday, the entries at the Customs could not be made till Tuesday, so that the discharge of the cargo, which might be of a perishable nature, could not take place till the Wednesday. That was a matter of a very serious moment. On the Tyne the Custom House clerks had fixed holidays quite independent of the Bank Holidays, and he could not see why that House should enter on a system of legislation which would be an interference with the labour question throughout the whole country.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," — (Mr. James,) — instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. GRANTHAM supported the Bill. The country had derived great advantage from the passing of the existing Bank Holidays Act, and he regarded the present Amending Bill as a necessary *sequitur*. It was found that on these holidays there was hardly any trade at the institutions included in this Bill; and therefore it was proposed to give persons employed in them the benefit of the holidays.

Mr. NORWOOD pointed out how entirely different in principle the Bank Holidays Act was from this Bill. It was impossible for the bankers to close their establishments without an Act of Parliament authorizing them to do so; but the principle involved in the present Bill went further than that, inasmuch as apart from the interference with trade and shipping, it proposed to release Government *employés* from their duties on four days of the year, at the public expense. And if the privilege of this Act was made to apply to the Customs and Inland Revenue, he did not see how they could refuse to put the Post Office, and other Departments of the public service on the same footing. He objected to the Bill on the ground that it was an unwarrantable interference with the rights of labour. The working classes, unfortunately, had too many holidays in the course of the year, it was very hard upon the men working at the docks, railways, and shipping, that for an additional four days in the year they should be precluded from earning their living. His hon. Friend the Member for the Tower Hamlets (Mr. Ritchie) had made an alteration in his Bill, which, to a certain extent, disarmed his opposition, because it now left work in the Customs optional; but any work done on these four days would be at the expense of the merchant and shipowner. He should like to have some statement from the Treasury Bench as to the arrangement which it was proposed to make by which the Customs officials would be able to carry on business on these holidays.

SIR JOHN LUBBOCK said, that the operation of the Bank Holidays Act had given general satisfaction; and it was a farce to keep the Customs open on Bank Holidays, for practically they did no business at all. Still, so long as they were open a great many merchants and others engaged in business felt themselves

bound to go to their offices; whereas if the Bill passed they would not come. It was a misapprehension to suppose that the Act was intended to apply only to the Banks, although it was necessary to use a term which should distinguish Bank Holidays from other holidays. Bills of exchange were payable before the holidays, but not until after Bank Holidays. There were only four of these holidays in the year, and nobody could say that, as Englishmen, we did not work hard enough. Holidays of this kind were more valuable to *employés* than those granted at irregular intervals by their employers; because it enabled members of the same family engaged in different pursuits to arrange beforehand as to the manner in which they would meet and enjoy themselves. He hoped the hon. Member (Mr. James) would not press his Amendment, but allow the House to go into Committee.

Mr. HERMON complained that the Bill proposed to give two new holidays, and as this would seriously affect the mercantile community he thought the House ought to consider well before they adopted it. If the House went into Committee upon it he should move to re-consider this question on the Report.

Mr. W. H. SMITH assured the hon. Member for Hull (Mr. Norwood) that if this Bill became law care would be taken that no impediment was thrown in the way of trade. There had been communications with the Custom House authorities on the subject, and there was a distinct understanding that every possible precaution would be taken to prevent these holidays causing any delay in ships entering and leaving a port. A reference had been made by the hon. Member for Gateshead (Mr. James) to the additional expense which would be thrown on the Exchequer. Care had been taken that if the Bill passed no additional burden should be placed upon the Exchequer, and the only additional expense would be a small charge for the attendance of a clerk in the event of its being necessary to clear a ship on a Bank Holiday.

Mr. RITCHIE said, he hoped, after the explanation made on the part of the Government, the House would not be put to the trouble of dividing. No facts had been adduced which were not discussed on the second reading. The greatest facilities would be given for the performance of any necessary work on

these holidays. A vessel might be discharged, loaded, and cleared on those days, and only a trifling charge would be made for the attendance of the clerks, so that there would be no impediment thrown in the way of trade.

Mr. COWEN supported the Bill, as he believed that if fixed holidays were agreed upon throughout the country fewer irregular holidays would be taken, and, consequently, that both manufacturers and artisans would be benefited by the arrangement.

Mr. JAMES said, after the assurance of the Secretary of the Treasury he should not proceed with his Motion.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill considered in Committee.

(In the Committee.)

Clause 1 (Certain days mentioned in schedule to be holidays.)

Mr. RITCHIE proposed to render the Bill permissive as regarded the docks by leaving out in page 1, line 12, the words, "all docks, Custom Houses," and inserting "the Customs." On a former occasion he had stated that the East and West India Dock Companies wished for this Bill. He believed he had gone a little too far in making this statement; but could say that these Companies were not opposed to the Bill if it were made permissive as far as docks were concerned.

Amendment *agreed to*.

Mr. NORWOOD moved that the words "post offices" be inserted. The Post Office *employés* were a very hard-worked body of men, and he thought they were fully entitled to the holidays which it was proposed to give to other classes of the community. Under the operation of the Bill business would be restricted, and few letters would be required, and the Post Office clerks ought to have on Bank Holidays the same opportunity for rest and recreation as they had on Sundays.

Amendment proposed, in page 1, line 12, after the word "Customs," to insert the words "post offices."—(Mr. Norwood.)

Mr. W. H. SMITH said, he thought the hon. Gentleman could hardly be in

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earnest in proposing such an Amendment, as its effect would be to disorganize all our commercial transactions, and to make the entire Bank Holiday scheme ridiculous.

MR. NORWOOD said, his object was to place post offices on the same footing as other offices. If a few clerks could transact the Customs business on a Bank holiday, he did not see why three-fourths of the Post Office clerks should not be released from labour on the same day.

MR. W. H. SMITH pointed out that closing the Post Office on a Bank holiday was altogether out of the question.

SIR JOHN LUBBOCK also opposed the Amendment.

Question put, "That the words 'post offices' be there inserted."

The Committee *divided*: — Ayes 14; Noes 92: Majority 78.

SIR JOHN LUBBOCK moved, in line 13, after "warehouses," to insert "and in every Post Office Savings Bank and other savings banks." He thought the same rule should be applied to these banks as to other banks.

MR. BACKHOUSE opposed the Amendment on the ground that in small towns where the savings bank was open only once or twice a week for a few hours great inconvenience would be felt if the proposal was agreed to.

MR. W. H. SMITH said, he hoped the hon. Baronet would not press the Amendment. The Government could not assent to it so far as the Post Office savings banks were concerned. The Postmaster General had power to close those banks on Bank holidays. He had done so in London, and was willing to do so wherever it could be done without inconvenience. He admitted that Post Office servants were very much entitled to consideration; they were hard-worked and had few holidays, and the Government were desirous to give them every indulgence which could be given without injury to the public service.

Amendment, by leave, *withdrawn*.

MR. RITCHIE moved, in page 1, at end of Clause, to add—

"And it shall be lawful for the directors or governing body (by whatever name known) of any dock or docks in England and Ireland respectively to cause the said days or any of them to be kept as holidays in such dock or docks, any restraining Clause in any Act of Parliament notwithstanding."

The Amendment was necessary, because some docks throughout the country were governed by different rules from those in London.

Amendment *agreed to*.

MR. W. H. SMITH said, he had reason to believe that some inconvenience had been found in closing the Inland Revenue Office on the anniversary of Her Majesty's coronation and on the birthday of the Prince of Wales. He should therefore propose to take away those holidays, and to assimilate for the future the practice of the Customs and Inland Revenue Departments in that respect.

Amendment *agreed to*.

Clause, as amended, *ordered to stand part of the Bill*.

Clause 2 (Short title) *agreed to*.

SIR JOHN LUBBOCK moved a clause providing that the 28th of June should be a Bank holiday under the Act. There was no Bank holiday between spring and autumn, and he could not help thinking that a summer holiday would be very acceptable to the country.

MR. W. H. SMITH said, the Government would have no objection to substitute an earlier day for the 3rd of August as a Bank holiday, but they decidedly objected to the creation of a fifth Bank holiday. He did not think that a fifth holiday in the year was necessary, or that the country desired it. He should not object to the 27th of December being a Bank holiday if Christmas fell on the Saturday.

Clause *negatived*.

SIR JOHN LUBBOCK then moved the following clause:—

"Whenever the twenty-sixth day of December (as mentioned in Schedule hereto) shall fall on a Sunday, the Monday immediately next following, that is to say, the twenty-seventh day of December, shall be a Bank Holiday under this Act, and also under 'The Bank Holidays Act, 1871.'"

Experience of late years had shown that there would be no inconvenience in having three holidays in succession at Christmas when Christmas Day fell on Saturday.

Clause *agreed to*.

Bill *reported*; as amended, to be considered upon *Friday*.

TRAINING SCHOOLS AND SHIPS BILL.

(Captain Pim, Mr. Wheelhouse).

[BILL 89.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,
 "That the Bill be now read a second time."—(*Captain Bedford Pim.*)

MR. ASSHETON CROSS sympathized with the objects of the hon. and gallant Member in introducing the Bill, but felt compelled to insist on the advisability of doing what was aimed at, if it were possible, either under the provisions of the Reformatory and Industrial Schools Acts, or by amending those provisions if amendment could be shown to be necessary and desirable. In these institutions boys were being trained to industrial pursuits; but one clause of this Bill would go further than the Acts, by compelling a boy to adopt a trade even against his will; and that he could hardly agree to. There were several ships employed under both Acts, and, if more were wanted, he should be glad to render assistance in obtaining them. In the five training ships there were 14,000 boys. These had been established as training schools at an expense of £50,000. They were doing much good, and perhaps they would do more. Hitherto part of the work had been done by private benevolence; but this Bill would throw a burden on the rates, which was another reason for seeing whether its object could not be accomplished by an extension of the system at present in operation. He would be glad to have a conversation on the subject with his hon. and gallant Friend, and then he would be able to judge whether it would be necessary for him to introduce a Bill amending the present Acts. He would suggest that this Bill should be withdrawn.

CAPTAIN BEDFORD PIM said, he would withdraw the Bill on the understanding just expressed by the right hon. Gentleman the Home Secretary.

Motion, by leave, *withdrawn*

Bill *withdrawn*.

PARLIAMENTARY ELECTIONS (RETURNING OFFICERS) BILL.—[BILL 32.]

(Sir Henry James, Sir William Harcourt.)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,
 "That Mr. Speaker do now leave the Chair."—(*Sir Henry James.*)

MR. FAWCETT, in rising to move—

"That no measure dealing with the expenses of Returning Officers is likely to reduce those expenses which does not interest the constituencies in economy by relieving candidates of the charge,"

said, that the two Law Officers of the late Government, who were responsible for this Bill, had scheduled the charges connected with an election. It was only fair to assume that they would not desire to call upon candidates to deposit more than would meet the expenses of the Returning Officer, because if the money were deposited the probability was it would be spent. If the tendency of the Bill would be to promote economy and diminish expense he would not oppose it; but it appeared it would have a directly contrary effect. To show this he would take a few examples, constituencies of different sizes, in different parts of the country. The deposit required was to be proportionate to the number of electors. In Sheffield a deposit would be required of £1,200, and at the last election the Returning Officer's expenses were £600. At Huddersfield the Bill would require a deposit of £600; and at the last election the expenses amounted to £248 19s. 4d. At Cambridge £300, instead of £166 14s. 11d. At Rochdale £600, instead of £363 5s. 1d. In Leicester the candidates would have to deposit £750 and the Bill, instead of diminishing the expenses, would increase them by 150 per cent. The same results would be found in a multitude of other places. What was the fair conclusion to be drawn from these facts? If the ingenuity of the two Law Officers of the Crown in the late Government manifested itself in framing Schedules which, instead of diminishing election expenses, would increase them by 100 or 150 per cent, it was evident that economy in Parliamentary elections could not be secured by means of Schedules. Let the House remember what had been done in municipal and school board elections. These were very moderate,

because it was not the candidate but the constituency that bore the expenses, while in Parliamentary elections the reverse was the case. There was no reason why elections should be more expensive in one case than the other, and the certain way to economy was not by framing Schedules, but by interesting constituencies themselves in that economy. At Southampton the school board election cost £140, and the expense of conducting the Parliamentary election the same year were £550, or 400 per cent more. At Bodmin the school board election cost £29, and the Parliamentary election £130—again an increase of 400 per cent. At Bristol the school board expenses were £393, while the last Parliamentary election cost £840, and the next election would cost £900 if this Bill should pass. The school board election at Dudley cost £240, and the Parliamentary election £700. In Exeter the school board election cost £90, but they fleeced the candidates at the Parliamentary election to the amount of £720, being an increase of about 800 per cent. With such facts before them as these, which could not be gainsaid or disputed, it would be trifling with the common sense of the House to say a word more to prove that interesting the constituencies themselves in economy was a remedy for extravagance. But, as a matter of principle, he put it to the House whether there was any reason why a gentleman who stood for the school board should not pay the necessary expenses, while if he stood for a seat in Parliament he should pay those expenses? Furthermore, it should be borne in mind, that if the constituencies had to bear all the cost, the expenses would be reduced to a minimum, as the same ballot-boxes, the same stamps, the same polling-booths, and the same machinery would do for all elections; but there was no security that under this Bill the candidates would not be obliged to have new booths and ballot-boxes, although the town might be in possession of them already. It had been proposed that the expenses of Parliamentary elections should be borne by the Consolidated Fund; but there was no more reason why the Parliamentary elections should be defrayed from that source than the school board elections, and any proposals to allow constituencies to put their hands into the Imperial

Exchequer for any such purpose ought to be resisted by the House with the utmost resolution. He was told that there was a growing feeling against any addition to local rates, and Members declared that if they voted for any proposal to increase them they would incur a great amount of unpopularity. With respect to the burden which his proposal would impose upon the ratepayers, he had taken the cases of the constituencies in which the charges of the Returning Officers were heaviest, and he found that, even if those charges remained as heavy as they now were—and he had shown that they might be 300 or 400 per cent less—the burden would amount in the case of the occupier of a £10 house to the price of a single glass of beer once in three years. Could anyone then pretend that if the principle for which he contended was a true one the constituencies would object to pay such a paltry price for the sanctioning of a sound, a just, and a true principle? A friend of his who represented a large borough, but who was no longer a Member of that House, went down to address his constituents, and having done so asked for a vote of confidence. A working man arose and said that he was commissioned by a large meeting of working men to go to the meeting and object to one vote which their Member had given. Of course, his hon. Friend was anxious to know what was the single vote he had given during the five years he had represented the town which they objected to, and he was startled to find that it was the vote he gave against the proposal to make the constituencies pay the expenses of Parliamentary elections. He replied—

“That vote had given him more trouble and anxiety than all his other votes, because he had given it against his convictions, and he had sacrificed his own feelings because he thought it would please them, and this was the result.”

When the Party now in office were in Opposition, Members of that Party were never weary of asserting that whatever was brought forward they would not listen to it until, if it imposed a single farthing on the ratepayers, the great question of Local Taxation and Local Government was considered by a responsible Government. Well, the Government which represented that Party had had the opportunity of considering the subject, and yet they had passed—or

were in process of passing—Bill after Bill which would impose new charges on the ratepayers, so that the arguments which used to be advanced against him with so much feasibility and force had, to a certain extent, lost their cogency. The question of making the constituencies responsible for the necessary expenses of elections had, unfortunately, been confused with what was regarded as the working men's representation. But he did not bring forward this proposal in the interests of any particular class, or with the view of promoting working men's representation. He believed that the more truly representative that House was the greater and wider would be the sphere of its usefulness. That House was steadily increasing in wealth, and to many it might appear a matter of perfect indifference whether the expenses of the Returning Officer were £100 more or less, and perhaps they would consider it advantageous to them that these expenses should be higher, as the more the election expenses increased the more the area of selecting representatives was diminished. But that suggested a most important—probably the most important—consideration connected with this proposal. If this country had during the last few years been rapidly increasing in wealth, and if the House of Commons had also been increasing in wealth, it was all the more important that there should not be maintained a single artificial barrier which might impede the access of the poor man to that House. Nothing would be more likely to weaken or destroy the efficiency of representative institutions in this country than if an impression were to gain currency that that House was maintaining laws which placed obstacles in the way of poor men obtaining a seat in Parliament. In conclusion, he ventured to recommend this proposal not only on the grounds which he had already named—the practical grounds that it would secure economy and remove any impression that the House was interested in artificially preventing the poor man entering Parliament; but, beyond all, and before all, he was anxious that that House should accept the principle contained in his proposal; because he believed that nothing would more tend to diffuse amongst the people a recognition of the true relations which ought to exist between a constituency and him who represented that

constituency. A constituency ought to feel that the man who aspired to represent it—to discharge an important and public trust—did not seek a favour which he was willing to buy, did not obtain a privilege which he could barter or turn to his own advantage. But was it not likely that those degrading ideas of the position of a Member of Parliament might obtain important currency if something was not done to prevent what no one who observed the times could doubt, that, as England became wealthier, a seat in that House was often a position for which the man who obtained it had to pay a heavier and heavier fine—a position which, if a man would gain it, he had to expend a higher and higher sum. The hon. Gentleman concluded by moving his Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "no measure dealing with the expenses of Returning Officers is likely to reduce those expenses which does not interest the constituencies in economy by relieving candidates of the charge,"—(*Mr. Fawcett*),—instead thereof.

MR. J. R. YORKE said, he thought the objections which he entertained against the Bill which the hon. Member for Hackney formerly introduced on this subject still held good. The hon. Member, having but a poor prospect of being able to carry that Bill, now brought it forward in the shape of a Resolution. The proposal of the hon. Member was to throw the expenses of the candidates at Parliamentary elections upon the constituencies, and thus relieve the candidates from such expenses. Now, he (*Mr. J. R. Yorke*) had been a Member of the Committee appointed to consider the question of Local Taxation, and the question was how far local taxation could be adjusted so as to diminish it; and here he would express a hope that the Government would lay to heart the hon. Member's remarks with regard to that subject. The ratepayers had not obtained such a considerable relief as they were entitled to expect. They should be told that they were to look to the Budget of the Chancellor of the Exchequer for further measures of relief from local taxation; and he could assure the right hon. Gentleman that among the Chambers of Agriculture and

Mr. Fawcett

the local taxpayers throughout the country the Budget was in that respect looked forward to with great anxiety. He did not attribute much importance to the remarks of the hon. Member for Hackney with reference to the increasing difficulty of obtaining candidates for seats in that House, as there was always a sufficient number hovering about the gates of that Paradise who, whenever the opportunity occurred, were ready to go down and pay a handsome sum for the chance of obtaining the privilege. He remembered that one gentleman who had sat on that—the Ministerial—side of the House said he could not understand how life outside of the House of Commons was tolerable to one that had had a seat in it. The result of the last General Election had been to add very largely to the class who earnestly desired to be readmitted to the House. As to the question whether poor men who would be ornaments to the deliberations of the House were prevented from entering it he did not believe that, to any practical extent, they were prevented by the expense attending elections—at any rate, not by the comparatively small item of expense which would be affected by this Bill. He believed that no poor man of intelligence and respectability would have to wait long before a sufficient subscription would be organized by his friends and supporters to enable him to overcome difficulties preliminary to entering the House. If the proposition of the hon. Member for Hackney were adopted, it would not be merely electors, but also women and minors, who would have to pay the expenses of the Returning Officer, and as women and minors were not at present included in the constituency he (Mr. J. R. Yorke) objected to make them contribute to that payment. He agreed in much that the hon. Member had expressed in reference to the working man; and if he thought that the expense of standing a contest was an obstacle to his getting into Parliament, he would vote in support of the hon. Member's Resolution; but while the question of Local Taxation was still pending, he must vote against his Motion.

MR. ANDERSON said, the hon. Member for Gloucester had alleged that candidates were not prevented from coming forward because of the returning officers' expenses, because plenty were always ready to come. But that

was not the question. What ought to be borne in mind was that all the expenses except those of the Returning Officers were entirely under the control of the candidate. The candidates ought, therefore, not to be asked to pay expenses over which they had no control whatever, because in many instances those charges were very heavy indeed. It was not alleged that there was any difficulty in getting plenty of candidates. What was said was that the tendency appeared to be to restrict the candidates to rich men, and it could not be said that the richest men of the country were always the most intellectual, or that the rich people were those who ought chiefly to be Representatives in this House. For his own part, he had always thought it was a great mistake to limit the field of selection for Members of this House. If the expenses of the returning officers were thrown upon the constituencies, they would take care that economy was exercised. This House, however, wanted exclusiveness; and those who were in it desired to prevent other people from entering its doors. ["No!"] He ventured to say there were very few who, in private discussions on this matter, had not heard it said if these expenses were thrown on the constituencies it would enable Tom, Dick, and Harry to compete with those who were already Members. This was the real secret of the opposition to this question, and it was not a matter of economy at all. If the expenses were thrown on the ratepayers, he did not think there was any danger of multiplying the number of candidates beyond what was perfectly reasonable and right; and, as far as he was concerned, he would rather see an abundant number of candidates than see the election confined to the richest men in the country, as it was very much at present. Under these circumstances, he should vote for the Motion of the hon. Member for Hackney.

THE SOLICITOR GENERAL said, that the amount of the charges which Returning Officers could make were clearly defined by the Bill, and if the amount of the deposit was greater than the expenses the candidate who made the deposit would be entitled to have a return of the surplus. No doubt, as the hon. Member for Hackney (Mr. Fawcett) had said, to interest constituencies in economy was a very desirable object;

but, considering the heavy burdens already imposed on the payers of local rates, both in counties and in boroughs, he did not think a transfer of election expenses to them would interest them in economy. His contention was that the ratepayers in the various localities had already sufficiently heavy burdens to bear in the shape of taxation. The hon. Member for Hackney said, in the course of his argument, that if the law was altered in the way he proposed, the burden upon each £10 householder would not amount to more than the cost of a glass of beer. This would be all very well for £10 householders; but to those of higher rental the payment of sums amounting to the cost of many glasses of beer would become decidedly oppressive. Parliament ought not to impose additional burdens on those who were already overweighted and overwhelmed, unless a case of imperative necessity could be made out. He had failed to find out that there was any such case. Another reason why it would be hard to impose this burden was, that a great number of ratepayers had no voice in the election. Again, there might be cases where those called on to contribute to the expense had no interest in the election. There might be two candidates, one a Liberal Conservative and the other a Conservative Liberal, and no extreme man might appear. Yet the Radical ratepayers would have to contribute. Again, there might be a Liberal candidate and a Radical candidate, and no one to represent the body of Conservatives, but the Conservative ratepayers would be called on to contribute. The burden would thus fall on those who had no interest in the election. If the proposition of the hon. Gentleman were adopted, it would multiply contests, of which there were enough already, as Members knew to their cost. If this were made a matter of no expense, candidates would appear for the sake of the fun and excitement of a contest, but at other people's expense. Thus constituencies would be put to the trouble and annoyance of an election by candidates who had no chance of success—the person would be elected that every one knew beforehand was the choice of the electors, but the ratepayers would have to bear the expense. For those reasons, he should oppose the Motion of the hon. Member for Hackney.

The Solicitor General

Mr. DIXON said, he should like to ask the Solicitor General whether the force of his objection did not apply to the elections of town councillors and school boards as much as to the elections of Members of Parliament. It was only lately that this House passed an Act of Parliament to throw the expenses of election of school boards upon the ratepayers; but the moment it became a question of throwing the expenses of Parliamentary elections upon the ratepayers, the whole House was against such a proposal. The fact was, the working classes had come to the conclusion that they were not wanted in that House; and, unless some better arguments could be adduced against the proposition of his hon. Friend than those used by the Solicitor General, it would be very difficult to make them believe that what Parliament considered suitable in the case of municipal and school board elections was not applicable to the case of Parliamentary elections.

Mr. GREGORY said, he did not believe that the hon. Member (Mr. Dixon) had rightly expressed the opinion of the working classes in this matter, as he felt sure that no hon. Member wished to prevent them being represented in that House—that the working classes felt and acknowledged this. The case of municipal and school board elections was different to Parliamentary elections; because, while in the former they had great difficulty in getting good candidates, in the latter there was no difficulty whatever. The social position attached to the one was a great inducement to many gentlemen to come forward; but, in the other, there was nothing but the prospect of continuous and laborious duties. He thought that a poor man who had been selected by his fellow-citizens as a fit person to represent them would find no difficulty in obtaining sufficient contributions from them to pay for the necessary expenses attendant on his return; but his chief objection to the proposal of the hon. Member for Hackney was that it took the form of an abstract Resolution in opposition to a measure which was urgently required, and contained no definite proposal by means of which his object could be attained.

SIR HENRY JAMES said, he had already more than once since he came into Parliament expressed his opinions upon this question, and he now thought

that it would be scarcely worth while to enter into the details of the measure, which might be far better discussed and considered in Committee. If he thought the proposal of the hon. Gentleman the Member for Hackney would diminish the amount of the expenses of election, he would have found him among his warmest supporters; but, on the contrary, he found that under it those expenses would be increased rather than diminished. At the General Election of 1868 one-fifteenth of the whole of the expenses then incurred were in the shape of the Returning Officers' charges; and if they took any course which calculated to increase the number of contests there would be no obstacle in the way of a sham candidate plunging a constituency into an unnecessary expenditure and disturbing an old Member who, from his long services, was entitled to an immunity from opposition. The late Government he recollected proposed, as a guard against the appearance of such candidates, that whenever a contest took place, the candidate should deposit a certain sum of money, and that that money should be absolutely forfeited if he failed to poll one-sixth of the constituency, and that met with the support of the hon. Member for Hackney. The object of the Bill was to lessen the expense of elections, and it had been brought forward after consulting Members upon both sides of the House. He hoped, therefore, that the House would consent to go into Committee and consider the clauses. An objection had been taken that the expenses under the Bill would be in some cases increased rather than diminished; and this was attempted to be shown by comparing the maximum charges under the Bill with the minimum charges now paid. He protested that in no case would the expenses be increased. The maximum charges allowed by the Bill would be subject to a provision that in no case should the charges exceed the sum necessary to be paid. As a rule, the Bill would reduce the charges to about one-fourth of what they now were. These charges were at present very unequal. In Manchester, with 60,000 electors, they were £1,400, whilst in Marylebone, with only 30,000 electors, they were £1,550. In the present state of the law Returning Officers could really make whatever charge they liked. The Bill

had been framed to make the charges equal and reasonable, and he was sure that in Committee there would be every desire to consider fairly any proposal for amending the details of the measure.

MR. CHARLES LEWIS supported the Amendment, and said, that he thought that the House had pursued an entirely wrong line upon the subject. He thought that the most simple and common-sense view would be to leave it to the ratepayers to minimize the expenses which they themselves would have to pay. The position of a candidate was one of utter helplessness in reference to disputing the Returning Officers' charges. The great objection to this part of the Bill was that it would really impose a property qualification. What else would it be when if a third candidate for Marylebone wished to come forward, he must first deposit £400 for the Returning Officers' charges? He was of opinion that opposition to the Motion would appear to be a selfish action on the part of the House, while support of the Motion would prove its independence. It was, in one sense, unfortunate that at the last General Election, while contests were going on as a rule elsewhere, there were no contests in many of the great Conservative counties of England, whereby the enormous preponderance of Conservative opinion might have been clearly shown. Was the Conservative majority, he asked, to be maintained by putting a stopper upon the free opinion of the electors? For his part, he thought that if they could not retain their position by opening the door to the free expression of such opinion, the sooner they went into Opposition the better. Conservatives had nothing to fear from contests, because they did not split up into such sections as their Friends opposite did. They voted *en bloc* for their man, and county Members should not be afraid of having to put their hands into their pockets to defeat bogus candidates. He trusted that the House would not pass the Bill in its present form; but that while limiting the expenses of the Returning Officer, they would allow the constituencies to take upon themselves the payment of the legitimate expenses of the candidates.

SIR WILLIAM HARCOURT congratulated the hon. and learned Gentleman who had just spoken upon the example he had afforded of the united

action of the Conservative Party. Contrasting his speech with that of the Solicitor General, they could not but see how the Party opposite acted together and voted *en bloc*. The hon. and learned Member spoke of sections into which the Liberal Party were divided; but he assured the hon. and learned Gentleman that they watched his proceedings with interest and hope. The hon. and learned Gentleman had only used one substantial argument against the Bill—namely, that it had a tendency to create a new property qualification; but the Bill did not create that change, because its object was to diminish existing charges, and to limit what was now an unlimited expense. With reference to the Motion of his hon. Friend the Member for Hackney (Mr. Fawcett), he might remind the House that though the Bill of his hon. and learned Friend (Sir Henry James) did not go the full length of that Motion, it went a certain distance in the same direction. Against the principle of that Motion he had nothing to say: the question was whether the opinion of the constituencies was just at this time ripe for its acceptance. He feared that at present it would be distasteful to them. There were, he knew, constituencies who were enlightened and liberal enough to pay the expenses of their Representatives, and he only wished that all were. The majority, however, were not, and if they were they had the remedy in their own hands. As matters now stood, he hoped the House would be content to read the Bill a second time.

MR. MUNDELLA appealed to the House, not on behalf of working men only, but of poor men generally. Was it not a fact that some of the most distinguished ornaments of that House were poor men, and it was not pleasant to poor statesmen who wished to come into the House to send the hat round for subscriptions to pay the expenses; and there were places where the expenses would, under this Bill, be considerably increased, perhaps doubled, and even trebled. At Sheffield, for instance, every candidate would have to deposit £400; and where would some candidates—even distinguished statesmen—find that sum on the instant? The question was one of freedom of choice from the whole of England, for there were as many good men out of the House as in

it, but many of them could not pay the large expenses demanded of them.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 150; Noes 46: Majority 104.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Bill considered in Committee.

(In the Committee.)

Clauses 1 to 4 agreed to.

Clause 5 (Taxation in Scotland).

MR. ANDERSON moved, in page 3, line 26, after "person" to insert the words "entirely unconnected with any sheriff court and." The object was this: In Scotland the Returning Officer was in every case the sheriff, and therefore it was desirable the person who taxed his accounts should be unconnected with any Sheriff Court. If they did not make such an Amendment, they might have two sheriffs taxing each other's accounts.

THE LORD ADVOCATE remarked that the special circumstances of Scotland had apparently not been carefully considered in drawing up the clauses of the Bill, and he therefore suggested the omission from the measure of all reference to Scotland, the circumstances of which country might be met by a supplemental Bill.

MR. KINNAIRD entirely concurred with this suggestion.

SIR EDWARD COLEBROOKE said, he thought that it might be found desirable to require the sheriff to appoint in open Court some arbiter who, in taxing the accounts, would be responsible to the public opinion.

SIR HENRY JAMES said, he had no objection to Scotland being struck out of the Bill altogether.

SIR EDWARD COLEBROOKE remarked that the Scotch Members were entirely in favour of the principle of the Bill, and he would suggest that a separate measure should be introduced for Scotland.

Amendment, by leave, *withdrawn*.

On Motion of The LORD ADVOCATE, Clause struck out.

Clause 6 agreed to.

Sir William Harcourt

Clause 7 (Use of ballot boxes, &c. provided for municipal elections.)

MR. ANDERSON moved, in page 4, line 16, to leave out "fittings and compartments," and insert "stamping-instruments, polling-stations, portable secret compartments, and other fittings and apparatus." The object of the Amendment, he explained, was entirely in the direction of economy, the intention being, in places where there were school boards, municipal and Parliamentary elections, to make it incumbent on the local authority to keep as many as possible of the permanent fittings, so that new ones would not have to be got for every election.

SIR HENRY JAMES maintained that the words of the clause were sufficient for the purpose.

Amendment negatived.

Amendment proposed,

In page 4, line 19, at the end of the Clause, to add the words "and it shall be the duty of the various local authorities to provide at their expense and to maintain all such of the above-named appliances as can be made of a sufficiently permanent character to be available for the various elections wholly or partly within their jurisdiction."—(*Mr. Anderson.*)

SIR HENRY JAMES presumed the Committee would not discuss this proposal, because the House had already considered it on the Motion introduced by the hon. Member for Hackney (Mr. Fawcett), which involved the question whether the erection of polling stations should be at the expense of local taxpayers.

MR. ANDERSON said, he was sorry the Amendment could not be adopted, as if the local authorities were not required to do these things the result would simply be that they would not be done at all.

Question put, "That those words be there added."

The Committee divided:—Ayes 72; Noes 126: Majority 54.

Clause ordered to stand part of the Bill.

Remaining clauses agreed to.

On Motion of The LORD ADVOCATE, a new clause excluding Scotland from the operation of the Bill was agreed to.

Schedule 1.

CAPTAIN NOLAN moved, in page 5, line 27, to insert—

"In Ireland the returning officer shall use a court house where one is available at a polling station, and his maximum charge for using and fitting the same shall in no case exceed three pounds three shillings."

Under the Ballot Act the sheriff would have the power of charging £7 7s. for the use of the Court House, and he was certain that the sheriffs in Ireland would always make out their bills on the highest possible scale.

CAPTAIN STACPOOLE concurred in the view expressed by his hon. and gallant Friend the Member for Galway. He thought that each candidate should lodge a specific sum in proportion to the population of the county or borough contested.

SIR HENRY JAMES said, he had no objection to the Amendment.

Amendment agreed to.

CAPTAIN NOLAN proposed words which would prevent the presiding officers in Ireland from sending the ballot-boxes by one car and himself travelling by another, and so making a double charge for the same service.

Amendment proposed,

In page 6, line 19, after the word "mile," to insert the words "In Ireland no charge is to be made for the conveyance of ballot boxes beyond the charge of one shilling a mile to the presiding officer when a charge is made for the travelling expenses of the presiding officer of a station to the place where the ballot papers are to be counted."—(*Captain Nolan.*)

Question proposed, "That those words be there inserted."

SIR HENRY JAMES said, he thought it hardly necessary to insert such an Amendment, as it would reflect rather upon the Returning Officers.

MR. SULLIVAN said, such a state of things as his hon. and gallant Friend had pointed out might exist under the Bill, for Irish sheriffs, although probably not less nice than English sheriffs, looked upon elections as blessed opportunities, very rarely occurring, of making candidates pay under every conceivable heading, and they would be sure to take advantage of the opportunities afforded them by the Bill.

MR. GREGORY observed, that it was the duty of the presiding officer to take charge of the ballot boxes and convey them to the place of their destination. The charge for the conveyance of the ballot boxes included every charge inci-

dental thereto. He should support the Schedule as it stood.

MR. GRANTHAM remarked that the presiding officers and the clerks had often to incur considerable expense before the election took place. The taxing officer would take care that there was no improper multiplication of charges.

SIR PATRICK O'BRIEN said, that the Bill would not assist Irish Members. He believed that, so far from decreasing the expenses of candidates, it would increase them.

SIR WILLIAM HARCOURT remarked that if the presiding officer found that one clerk could not convey the ballot boxes he might employ two. If he had only one clerk, and chose to take more vehicles than were necessary to carry the ballot boxes, the charge would be disallowed.

MR. DODDS moved to amend the proposal of the hon. and gallant Member (Captain Nolan) by striking out the word "Ireland" in order that the Amendment might apply generally.

Amendment proposed to the said proposed Amendment, to leave out the words "in Ireland."—(*Mr. Dodds.*)

CAPTAIN STACPOOLE said, he was unable to see why Ireland should be omitted from the Amendment.

SIR HENRY JAMES said, if hon. Gentlemen really wished the words of the Amendment of the hon. and gallant Member for Galway to be inserted, he should be ready to accept them.

Question, "That the words 'In Ireland' stand part of the said proposed Amendment," put, and *negatived*.

Question put,

"That the words 'no charge is to be made for the conveyance of ballot boxes beyond the charge of one shilling a mile to the presiding officer when a charge is made for the travelling expenses of the presiding officer of a station to the place where the ballot papers are to be counted' be there inserted."

The Committee *divided*:—Ayes 94; Noes 103: Majority 9.

CAPTAIN NOLAN proposed to leave out those words in the Schedule which would entitle the Returning Officer to charge for employing an assessor.

SIR HENRY JAMES said, that in England an assessor was not required,

Mr. Gregory

and it was not contemplated that he should be paid under the Act.

Amendment, by leave, *withdrawn*.

MR. DODDS moved the omission of lines 31 and 32, which would enable a charge of 1s. a-mile for the travelling expenses of the clerks of the Returning Officer to be made.

SIR HENRY JAMES said, it was intended that travelling expenses should be allowed only when a class of persons whom it was desirable to employ could not otherwise be obtained. If it would fall in with the wishes of hon. Members who had voted in the minority in the late division, he would, on the Report, propose that the charge for the conveyance of ballot boxes should come under the head of travelling expenses.

Amendment, by leave, *withdrawn*.

CAPTAIN NOLAN said, he had an Amendment now to propose which only applied to Ireland, the circumstances of which country, in reference to electoral divisions, were totally different to those of England in reference to the charges for journeys by the presiding officer. He had had a conversation lately in Ireland with a presiding officer in reference to his charges for journeys, and he heard from him that he made a good thing of it, for he charged 1s. per mile for going perhaps 20 miles to the sheriff of the county, and the same amount back; and he then charged 1s. per mile for being conveyed to his own home. The travelling expenses of clerks also should not be charged for, because good clerks could be got on the spot without bringing them from a distance. The hon. and gallant Gentleman concluded by moving his Amendment.

Amendment proposed,

In line 33, after the word "mile," to insert the words "In Ireland no journey shall be charged for except that of the presiding officer from the polling station to the place where the ballot papers are counted when in charge of the ballot boxes in which the ballot papers have been deposited, the charge of one shilling per mile, including the return journey; clerks are not to be allowed travelling expenses in Ireland."—(*Captain Nolan.*)

MR. GREGORY opposed the Amendment.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 64; Noes 122: Majority 58.

Amendment *negatived*.

Clause *agreed to*.

Schedule 2 *agreed to*.

Schedule 3.

MR. CHILDERS expressed a hope that his hon. and learned Friend who had charge of the Bill would reconsider the question of amount of security which the Returning Officer might demand to cover expenses, and bring up some modification of this Schedule in that respect upon the Report. Taking the Yorkshire boroughs, he found that at the last General Election the Returning Officer's expenses, excessive as they were in many instances, were in nearly every case less than the amount which this Bill would enable him to demand as security.

MR. CHARLES LEWIS moved that the Schedule be omitted altogether. It implicitly restored a money qualification by requiring a candidate to give security for certain expenses, or otherwise to have his name withdrawn from the list of candidates.

SIR HENRY JAMES said, he thought that the proposal of the hon. and learned Member was scarcely reasonable, seeing that, as a Member of the Select Committee which considered the Bill, he had an opportunity of objecting to the provision now in question, and did not then oppose it.

MR. GOLDNEY said, that if the Schedule were not adopted, the whole of the expenses would be thrown on the Returning Officer.

MR. FAWCETT said, it appeared to him that if the Schedule were passed, a larger fine would be imposed upon candidates than the Returning Officer would have security for.

SIR HENRY JAMES explained that he had omitted to state that he should be willing to lower the sums named in the Schedule. With the permission of the Committee, therefore, he was prepared to withdraw the figures in the Schedule, and bring up lower ones on the Report, when the House might say whether it would accept the reduced ones.

MR. CHARLES LEWIS said, he would not trouble the House to divide; but he gave Notice of his intention to

move, on the Report, to omit Clause 3 and the Schedule.

Schedule *agreed to*.

Bill *reported*; as amended, to be considered upon Tuesday next.

INTESTATES WIDOWS AND CHILDREN (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill for the relief of Widows and Children of Intestates in Scotland where the personal estate is of small value, *ordered* to be brought in by The LORD ADVOCATE, Mr. Secretary CROSS, and Sir HENRY SELWIN-IBBETSON.

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, 7th April, 1875.

MINUTES.]—PUBLIC BILLS—*Resolution in Committee—Ordered—First Reading*—Pier and Harbour Orders Confirmation * [111].

First Reading—Intestates Widows and Children (Scotland) * [109]; Increase of the Episcopate * [110].

Second Reading—Women's Disabilities Removal [25], *put off*.

WOMEN'S DISABILITIES REMOVAL BILL—[BILL 25.]

(*Mr. Forsyth, Mr. Russell Gurney, Mr. Stansfeld, Sir Robert Anstruther.*)

SECOND READING.

Order for Second Reading read.

MR. FORSYTH: I rise to move the second reading of this Bill. It is extremely short, consisting of only a single clause. Its object is to enable women who are not under the coverture of marriage, if they are rated householders in boroughs, or possessed of sufficient property qualifications in counties, to vote at the election of Members of Parliament. I say, emphatically, "women not under the disability of coverture," for I am strongly opposed to the claim of married women to vote at Parliamentary Elections, and there is nothing in the present Bill which will enable them to do so. The measure will remove not the disqualification of status, but only the disqualification of sex. On this point no doubt can exist in the

mind of any competent lawyer. In 1869 an Act was passed for shortening the period of residence as a qualification for the municipal franchise, and the 9th section provided that wherever words occurred which denoted the masculine gender, the same should be held to include females with reference to the right to vote for councillors, auditors, and assessors. It has, however, been decided by the Court of Queen's Bench, on a *Quo Warranto*, that that section does not enable married women to vote. The Bill which I introduced last year contained a distinct Proviso that married women should not be allowed to vote. I inserted it because, in previous debates on the subject, there was a lamentable confusion of thought in the minds of many hon. Members who opposed the Bill, and they erroneously imagined that it would destroy the foundations of society, introduce discord into married life, and wholly alter the relations of the sexes domestically and socially. Such an argument was entirely irrelevant; but it produced an effect on the mind of even so astute and sagacious a Gentleman as the late Member for Leeds (Mr. Baines), who, on the day after the debate, wrote a letter to *The Times* explaining how he had been puzzled and misled. I have now omitted the Proviso because the Common Law, apart from a statutory declaration, would suffice to prevent married women from voting for Members of Parliament. Mr. Goldwin Smith, in a pamphlet which has been printed at the request of some Members of Parliament—so it is stated in the preface—and industriously circulated, asserts that the limitation of the operation of the Bill to unmarried women was introduced by me only to hoodwink the House of Commons. I cannot find words to express my indignation at a statement so calumnious and unfounded. To what straits must the ex-Professor at Oxford have been reduced, when he was obliged to resort to an assertion so absolutely untrue! This is no Party question, as clearly appears from the names at the back of the Bill. There are my own name and that of the right hon. and learned Gentleman the Recorder of London, who sits on the Ministerial side, and the names of the right hon. Gentleman the Member for Halifax (Mr. Stansfeld) and of the hon. Baronet the Member for Fife (Sir Robert

Anstruther), who sit on the Opposition side of the House. In like manner the opponents of the measure comprise both Conservatives and Liberals. It is impossible, indeed, to predict from the general political bias of any hon. Member how he will vote upon this question, though I believe a majority of the unmarried men in the House will vote against the Bill. I will not stop to explain the reason, though I believe I could easily do so. No, Sir, I should be ashamed to make this a Party question. I agree with the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), who said, on a former occasion, that it would be a sin against first principles to make this a Party Question; but one of the main reasons urged by the ex-Professor Goldwin Smith against the Bill is that it is brought in by the Conservative Member for Marylebone. I may mention that Mr. Goldwin Smith had been, before I announced my Bill, a strong advocate of this measure. As regards the growth of public opinion in favour of the measure, I assert fearlessly that there has been no question introduced by a private Member which has in so short a time made so rapid a progress. Indeed, I do not believe that even the anti-Corn Law agitation increased with such accelerated velocity as the agitation in favour of this measure has done since the subject was first introduced to the House. This is shown by the number of Petitions for the Bill, which increased from 75, with 50,000 signatures, in 1858, to 1,404, with more than 430,000 signatures, in 1874. Between the years 1869 and 1873, exactly four Petitions were presented against the Bill, and these proceeded from Scotch municipal burghs, where women have no votes at all. Three of them came from the town councils of Elgin, Nairn, and Linlithgow—immortal burghs! which are destined in the history of this question to be as famous as the three tailors of Tooley Street. They remind me of Mrs. Partington trying, in her patters and with her mop, to push back the Atlantic. I venture to say that the Bill will not be lost in consequence of the opposition of three tumperry Scotch burghs. This year no fewer than 30 town councils in Scotland have petitioned in its favour, and not one against it. The numerous Petitions signed by women in favour of the Deceased Wife's

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Sister Bill and the repeal of the Contagious Diseases Acts, show that women are not averse from petitioning the House on subjects interesting to the sex, and it will not do for my hon. Friend the Member for the University of Cambridge (Mr. Beresford Hope) to assert that women are either indifferent to the matter, or that their retiring modesty will not allow them to sign Petitions in favour of the present measure. With respect to the attitude of the Members of the late and of the present Ministries as regards the Bill, I wish to point out that in 1867 four Members of the late Government voted for and seven against it, while of the Members of the present Government one voted for and 11 against it. In 1873, three Members of the late Government voted for the Bill and 11 against it; and of the Members of the present Government eight voted for the Bill and eight against it. A few years ago, the right hon. Gentleman who is now First Minister of the Crown said, that in a country which was governed by a woman, where women constituted a portion of one of the estates of the Realm as Peeresses in their own right, and where women could be churchwardens and overseers of the poor, and occupy various other official positions, he did not see what possible objection could be urged against such a proposal as was embodied in the Bill now under consideration. Afterwards, in answer to Mr. Gore Langton, the right hon. Gentleman spoke of the exclusion of women from the franchise as an anomaly which he believed to be injurious to the country, and which he trusted to see removed by the wisdom of Parliament. The right hon. Gentleman the Member for Greenwich (Mr. Gladstone) cannot be quoted in terms of such strong approval; but in 1871 he made a speech distinguished not only by eloquence—that is a truism, and applies to all his speeches—but by candour and fairness, and well worthy the attention of the House. The right hon. Gentleman said he would not give a positive opinion on the subject, but he had heard no conclusive reason why we should not borrow an idea from the law of Italy, where a woman was allowed to exercise the franchise through a deputy or friend; it might be found on examination to be a good or a bad plan; but it was one worth discussion; and he admitted that there was more presump-

tive ground for a change in the law than some of the opponents of the Bill were disposed to admit. These were weighty words, and I am thankful the right hon. Gentleman went so far. I will now proceed to adduce some of the arguments for the Bill, and notice some of the objections against it, and I do so the more fully because I may not have an opportunity of reply, for I have no wish to have the Bill talked out, but to have a division upon it. I ask the House to give it a second reading; first because, since the passing of the Reform Act, it has been a constitutional principle that taxation and representation are reciprocal and correlative terms, and that no class ought to be taxed without having a voice in the selection of the persons who are to tax them. At present only six classes of persons are excluded from the franchise—paupers, lunatics, criminals, minors, idiots, and women; the first four may recover or gain the electoral status; and only idiots and women are permanently excluded. I do not think that women will feel themselves flattered by being placed in such a juxtaposition. No class ought to be excluded from the political franchise, because exclusion involves the neglect of their interests. Let hon. Members compare the position of the working classes before and after their enfranchisement; before, they had little influence; but now no barometer is more sensitive to the influence of the weather than hon. Members are to the opinions of the working men. For centuries the legislation of man towards woman has been the legislation of the strong over the weak; man has said, in the proud consciousness of physical superiority—

“Hoc volo, sic jubeo, stet pro ratione voluntas.”

Up to 1870, while a man lost the control of his property only through the crime of felony, a woman lost the control of hers by marriage, and could not assert her right to the custody of her infant children; her right to appoint guardians to those children; her right, though a widow, to a voice in the education of those children; her right to dispose of her property by will; and her right to protection against excessive employment in factories and degrading employment in coal mines. Only of late years has tardy and imperfect justice been done; and the obvious reason why woman has so long

been placed at a disadvantage is that she has been a cipher in political arithmetic, and that man has disregarded her wishes, because she could not give effect to them by her vote. How many years did Serjeant Talfourd labour in this House to give a mother the custody of infant children as against a drunken and profligate husband? When the mother had been given the custody of them up to the age of 7, 30 years elapsed before the age was increased to 16. Even now a woman cannot appoint a guardian for her own child. In a case in which father and mother are of different religious persuasions, if the father is dead a child brought up in the religion of the mother up to the age of 10 or 12 years may afterwards, on an application to the Court of Chancery, be forced to be brought up in the religion of the deceased father. The widows of farmers have great difficulties in retaining and procuring farms because they have not votes, landowners believing, in spite of the Ballot, that property will still have influence. On this ground, as is stated in a letter which I have received from Scotland there is a strong feeling there in favour of the Bill. The exclusion of women is also unjust because they are called upon to bear local burdens equally with men, and when Bridgwater, convicted by a Commission of extensive bribery, was required to pay a rate of 3s. in the pound, the women who were ratepayers, but were not electors, complained bitterly of their being made to pay for bribery which they had nothing to do with. Among the public questions in the settlement of which women are entitled to a voice there are the custody of infants, marriage and divorce, marriage with a deceased wife's sister, the control of property, the preservation of infant life, sanitary legislation, factory legislation, Mines Acts, Workshop Acts, local taxation, and education. Four-fifths of the measures that are now before Parliament are such as directly affect women, on which they are entitled to be heard, and on which their opinion would be valuable. When a large number of persons make demands which are not in themselves unreasonable, they ought as far as possible to be conceded; and, certainly, a vast number of women desire the franchise. My hon. and learned Friend the Member for Taunton (Sir Henry James) spoke of the demand as being the

crotchets of a noisy few, whom he denominated "itinerant and restless politicians" and "social failures;" but what did he mean by that term? Was Mrs. Somerville a "social failure?" Petitions have been presented in favour of this Bill, signed by the Dowager Countess of Buchan, Viscountess Combermere, Lady Julia Lockwood, Lady Helen Stewart, the Honourable Miss Canning, Miss Florence Nightingale, and many other distinguished ladies. Are they "social failures?" Is Miss Rye, who has led bands of emigrants across the Atlantic, a "social failure?" No fewer than 3,000,000 women in this country are earning their bread by manual or mental labour, and there are in business in the metropolis between 4,000 and 5,000 women, who are employers of labour. It may be that the ladies whom hon. Members of Parliament meet in drawing-rooms are not generally in favour of this Bill; but they are hardly fair judges of the wants of their poor struggling sisters. I plead not for the minions of fortune nursed in the lap of luxury and sheltered from the wants of poverty and the storms of adversity. I plead not for the rich, but for the poor, who, unsheltered by marriage, have to fight the hard battle of life for themselves. The demand has been conceded in principle by giving the municipal franchise to women; and the arguments by which Lord Aberdare, then Mr. Bruce, attempted to justify a distinction between the Parliamentary and the municipal franchise were weak in the extreme. He said that women ought not to vote at Parliamentary Elections, because no woman had been a great musical composer, and because women had not stood beside the mailed Barons at Runnymede when they extorted the Great Charter from King John; and they did not serve in the Army. If so, the maimed, the halt, and the blind ought not to vote, and it would be just as reasonable to say that women ought not to vote, because they do not shoot partridges nor smoke tobacco. I will propose a test to those hon. Members who think that the Bill, giving the municipal franchise to women, ought not to have been passed. If any hon. Member will bring in a Bill to deprive women of the municipal franchise, he will not get five Members to follow him into the Lobby. Another positive reason for supporting

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the Bill is, that the Ballot is in operation, and the use of the Ballot has removed the most plausible objection against the granting of the suffrage to women. Under open voting there might appear to be something unfeminine in a woman going to the polling-booth, but now the voting is as solemn as a funeral and as quiet as a Quaker's meeting. The objection to the Bill, based on the alleged inferiority of women, is seldom heard out of the House. I am willing to admit that the average brain-power of women is not equal to that of men; but that is not the question. The question is, whether they are so inferior intellectually to men, and so incompetent to form a judgment about candidates, as not fit to be trusted with a fractional share of the responsibility of electing them. I now pass on to what I believe to be the most serious and formidable of the objections which will be urged against the Bill. The objection that will be most relied upon is a sentimental one, and one, therefore, which it is difficult to encounter by argument or logic. It is said that this measure will change the nature of women for the worse, and make them too masculine. Now, I yield to no one in the desire to preserve the distinctive charm of womanhood, her softness, her purity, her grace; and I wish the feelings and attitude of woman towards my own sex, to be, in all social and domestic relations, those so beautifully expressed by Portia, in Shakespeare—

"Happiest of all, is, that her gentle spirit
Commits itself to yours to be directed,
As from her Lord, her Governor, her King."

If I thought the effect of this measure would be to deteriorate woman in these respects, while I should consider the claim just, I should consider the right purchased at too dear a price. But I believe the fear to be chimerical, a mere phantom of the imagination. It does not follow that because women could vote, they would become active and ardent politicians any more than men, of whom so many abstain from voting. Take, for instance, my own borough of Marylebone. Although at the last General Election the fate of a Ministry was at stake, there were no less than 11,000 electors whom it was impossible to induce to vote on either side. But, as in the one case, so in the other, the indifference of some constitutes no reason

why those who take an intelligent interest in politics should not be allowed to have a vote. Women are generally considered better judges of character than men, and all that they will have to do in voting will be to select from among competing candidates those they think most eligible for Parliamentary responsibility. But it is said that there are ulterior views, and that this is simply the thin end of the wedge. In reply to this, I declare that I have no ulterior views in the sense in which those words are used, and I am inflexibly opposed to the idea that married women should have votes, or that women should sit in Parliament. If we are to refuse what is right, because something which is wrong may be demanded afterwards, it will be impossible to go on with legislation at all; but we stand on firmer vantage ground in resisting what is wrong, when we have granted that which is right. One of the strongest arguments used by the right hon. Member for Greenwich (Mr. Gladstone) when he proposed to disestablish the Irish Church, was that an Established Church in Ireland was in itself wrong, and that having disestablished it the hands of Parliament would be stronger to resist any further measures which it thought to be wrong. If we admit his premise—which I, for one, do not—we must admit also that the deduction he drew from it is logically unanswerable. In one sense, of course, I have ulterior views—I desire that Parliament should take a more comprehensive view of the rights and interests of women. If the votes of women would turn the scale anywhere, that of itself shows that men on that subject are pretty equally divided in opinion, and, presumably, the interests of women would be so far involved that they would be justified in turning the scale. I regret the absence from the House of my right hon. Friend the late Member for Kilmarnock (Mr. Bouverie), who had formerly deprecated the Americanization of our institutions, and represented that the disposition of American women to agitate had produced a re-action against the granting of the suffrage to women in America. But I find this opinion denied by Mr. Garrison, of Massachusetts, in an account he has given of a conversation on the subject with the right hon. Gentleman the Member for

Bradford (Mr. W. E. Forster.) Mr. Garrison declared that the movement was never so far advanced as now and never had so many supporters. Everything in America seems to run into exaggeration; but in England we have to legislate for Englishwomen, in whose common sense I, for one, have unbounded confidence. I claim the vote of the hon. and learned Member for Taunton (Sir Henry James) in fulfilment of a promise. He said that he would vote for the Bill if one-half of the ladies in Taunton appealed to him to do so. Well, the hon. and learned Gentleman has presented a Petition in favour of the Bill from more than half the ladies. [Sir HENRY JAMES: Householders, you mean.] At all events, my hon. and learned Friend has promised to vote for a Bill, which he has described as fraught with discord to married life, and sapping the foundations of society, if only he were asked to do so by half the women in a small borough in the West of England. Let the House test the strength of the hon. and learned Member's arguments by the offer he has made. He said also that the sympathetic element in women was apt to deprive them of all logical power. I deny the fact; but surely logic is one of the rarest things, even among male electors. How many of the Members of this House are logical? Women may not be good logicians, but they have an intuitive perception of right and wrong, and will vote for the right kind of representative to pass useful measures. The Conservative hon. Member for Warwickshire (Mr. Newdegate) formerly asked the House to reject this as an ultra-Radical measure; and to show how extremes meet, the ultra-Radical, Mr. Goldwin Smith, said it was a revolutionary proposal, and that if women had votes the free institutions of the country would be destroyed. I will not condescend to answer the absurdities of the ex-Professor, but I will ask my hon. Friend to consider whether woman's submission to authority, her reverence for religion, and her regard for law are elements of a revolutionary nature. The supporters of the Bill have sometimes to encounter ridicule. Argument I can meet, but misplaced ridicule I despise. Not that I object to wit, when it is used to feather the arrow of argument and give force and buoyancy to its flight; and I do not quarrel

with Horace for saying, "*Ridentem dicere verum Quid vetat?*" Perhaps we may hear quoted the lines from Tennyson's *Princess*—

"Pretty were the sight,
If our old halls should change their sex, and flaunt
With Prudes for Doctors, Dowagers for Deans,
And sweet girl graduates in their golden hair."

But I feel sure that in the House of Commons—an Assembly of Gentlemen—no hon. Member will descend to low and vulgar ridicule, or attempt to show his wit by coarse and silly alliterations, and speak of the "shrieking sisterhood;" language which I was ashamed to read in a newspaper which calls itself one of the enlightened instructors of the people. And now, Sir, I have done. I have pleaded this cause with all the earnestness of settled and deliberate conviction. I wish I could have pleaded it with more eloquence and power. I did wish that the conduct of the Bill should be placed in the hands of some Member of the House who has experience and authority to which I can make no pretension. I thought that the Bill ought to be brought in by some Member like the late Member for Manchester (Mr. Jacob Bright), whose name has so long been honourably connected with the question of Women's Suffrage. But as I was strongly urged to undertake the task, I was willing that others rather than myself should be judges of my fitness to bring forward the measure. In the present Parliament there are many new Members whose opinions on this question are not yet known—and there are many who, I believe, are wavering and quite open to conviction. To them I earnestly appeal. There is hardly any new measure which can be proposed to which there are not some objections, and this is no exception to the general rule. But what I ask is this—place all the objections if you like in one side of the balance, and place in the other the arguments in favour of the Bill—and then calmly and dispassionately ask yourselves which of the two really preponderates. If you find that the arguments for the measure are stronger than the arguments against it, give effect to the conviction of your judgment by your vote. You will thereby gratify the ardent wishes of a great proportion of your countrywomen. You will declare that you do not consider them so intellectually your inferiors that you

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cannot trust them to have a fractional vote in the choice of their Representatives. You will show that you appreciate at its true worth the fallacy that the possession of the franchise will deteriorate their nature, and you will assert the constitutional principle that taxation and representation ought to be reciprocal, and not altogether divorced, as is now the case with the larger part of the population of this Kingdom. In the days of ancient Rome the Social War was caused by the refusal of the Roman people to grant to the inhabitants of the provinces the *Jus suffragii* and rights of free citizens. They were compelled to serve in the Roman Armies, and bear the burdens of the proud Republic; but they were not allowed to vote in the election of a Roman magistrate. You know that the provincials were victorious in the contest, and by their loyal allegiance Rome was enabled to become the mistress of the world. If you reject this Bill you will say that women shall bear the burdens of the taxpayer, but shall not enjoy the only privilege which those burdens confer—namely, the possession of a vote. You will not, indeed, have a Social War, but you will have wide-spread discontent. There will be in the minds of one-half of the population of these islands a fixed feeling that they are treated with injustice, and doomed to bear the stigma of inferiority. They will not unnaturally resent the idea that they alone of all the subjects of a Sovereign—who is herself a woman—are to be denied the rights of free citizens of a constitutional Monarchy, and be assured that they will never cease from their demand until this unjust restriction is removed. That it will be removed, sooner or later, I have not a shadow of a doubt; and, if so, it is better soon than late. The history of past legislation shows how unwise it is to resist demands that are just, and to wait until you are forced or shamed into concession. In no long time after such a Bill as mine, if not mine now, is passed, men will wonder at their opposition, and smile at the forebodings which they allowed to haunt their imaginations. They will find that instead of injuring the nature and character of woman they have done something to elevate them both, and make her more fit to be the intellectual companion of man. It is right, just, and expedient to

do so; and in the name of Right, Justice, and Expediency, I earnestly ask the House of Commons to consent to the second reading of this Bill.

MR. FRASER MACKINTOSH said, he wished to remind the hon. and learned Gentleman the Member for Marylebone, that it was one of the Rules of the House when one hon. Member misrepresented or depreciated another to give an explanation and an apology. Now, he believed the same rule ought to be applied to a case where constituencies were misrepresented or depreciated in a manner calculated to give pain. He was an ardent supporter of the Bill; but he must take exception to the remarks made by the hon. and learned Member which were prejudicial to certain Scottish burghs, inclusive of Nairn, one of the burghs he (Mr. Mackintosh) had the honour of representing.

MR. FORSYTH said, the words were uttered in the haste of the moment, and he entirely withdrew them.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Forsyth.*)

MR. H. CHAPLIN, is rising to move as an Amendment, That the Bill be read a second time that day six months, said: Mr. Speaker, perhaps the House will, in the first place, allow me to express my sense of the courtesy which I have received from the hon. Gentleman the Member for Huddersfield (Mr. Leatham), in giving me precedence upon this occasion, and which has afforded to me and to others the opportunity which was desired, of giving the most practical contradiction in our power to the suggestion that hon. Gentlemen sitting on this side of the House were, generally speaking, in favour of this measure. Having said that, let me add that it is from no wish of my own that I fill the position which I occupy now, and I cannot help feeling that I labour under some disadvantage. The ladies, indeed, or perhaps I ought rather to say, that extremely limited number of ladies who have made this cause their own, are favoured indeed by fortune I think, in the man whom they have selected to advance and to further their views on this day, and who is no unworthy successor to the champion whom, through the fortunes of an election, they have recently lost from this House.

Whilst I, Sir, cannot pretend for a moment to vie with him who was lately their chief opponent, either in his power and practice in debate, or in the weight and authority with which everything coming from Mr. Bouverie was received in this House, and which was the first and natural tribute of a long and honoured and honourable career in this House, Sir, I confess that I have always myself been among the number of those who, from the out-set, regarded this question as one which was scarcely deserving of even our serious consideration. But we live in the days—whether for good or for evil—of rapidly changing opinions, and when I know that many hon. Members of this House, whose opinions I cannot but value, have, at one time or another, voted in support of this measure; when we see, as we have seen in this case, that Leaders upon both sides of this House have given either their absolute or their qualified adhesion to the principles of this measure, then, Sir, I for one am no longer prepared to deny that it is a serious question, and one which deserves the careful attention of the House; and viewing it then in that light, I am prepared to consider it, not alone on, as I think, the somewhat inadequate grounds—the narrow and limited lines, which the hon. and learned Gentleman the Member for Marylebone (Mr. Forsyth) has marked out for us to-night; not alone with regard to its more immediate issues, but as a question of which, if it be carried out to its logical ends, the importance can scarcely be overrated, and which will surely involve us in an absolute and a complete revolution of all the social relations, as well as political views, by which not only we, but the whole world, has been governed, since the earliest ages of History, and the very creation of man. Now, Sir, I know in discussing this question that there is little I fear which is new, and which is left to be said, either against or in support of this measure. My hon. and learned Friend has supplied us this evening with a number of different reasons, some of them plausible in the extreme why he thinks the Bill should become law, and with which in a moment I will endeavour to deal; but I am content to rest my opposition on grounds which I will at once state to the House. I object to this

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Bill, then, in the first place, because in giving direct political power to women we are embarking upon an experiment for which, in History, so far, not one single precedent is to be found, which, however, it may be regarded, in the minds of dreaming philosophers, or philanthropic Professors, is unknown and untried, and has no place at all in the world of practical politics; and I object to experiments, especially when, as I think, they may best be described as political quackery, being tried in a country with a settled and well understood Constitution like England; my motto would rather be this—*Fiat experimentum in corpore vili*. Secondly, Sir, I oppose it, because I hold it to be our bounden duty to require and to demand at the hands of those who are its supporters convincing and absolute proof that there is urgent necessity for legislation of this kind, before we accept a proposal, which the collective wisdom of ages, the teaching of all religion in every form and under every guise, and, as I believe, the instincts of the whole human race has, on the one hand, never demanded; and, on the other hand, has thought it right to withhold; and I contend that in this case, no such necessity has been established. Again, Sir, I shall resist it, because I know not, indeed, on what ground of consistency we can refuse, if we sanction this Bill, the demand which is certain to follow—for admission for women to these very benches on which we sit at this moment. And, lastly, Sir, I shall oppose it on grounds which are perfectly simple, and which ought, I think, to commend themselves, at all events, to hon. Gentlemen sitting on this side of the House—namely, as another attempt to disturb and enlarge the existing franchise. Now, Sir, taking the last of these points to begin with, it cannot be denied that the Bill of my hon. and learned Friend, modest indeed as it is in dimensions and limited as to its clauses, is in the nature, at all events, of a new and another Reform Bill, and one which proposes to add an indefinite number of voters to the boroughs and counties throughout the Kingdom. Now, Sir, the House will remember, that we had a proposal of this kind only last Session—a Bill to extend household suffrage to counties, and we have another one yet to look forward to, in addition to this before the present Session is ended,

and that too at a time when, as we ought to remember, this is the second Parliament only elected under the latest Reform Bill, and the first elected under the Ballot. Now, I agree with those hon. Gentlemen who think, that it is the most unwise thing in the world in any country, especially an old country like England, to be for ever speculating upon organic changes of the Constitution. My right hon. Friend at the head of the Government, speaking on the Bill of the hon. Member for the Border Burghs (Mr. Trevelyan) last year, expressed an empathic opinion to that effect, and therefore on those grounds alone, entirely apart from the general question, I should feel it my duty to resist this Motion this evening. And now, Sir, passing from this to the more special object and purpose contained in the Bill namely, to give the electoral franchise to women, on the same terms and conditions as men, I find it exceedingly hard to believe, that the united experience of the whole civilized world, has been from the commencement erroneous and fundamentally wrong, and yet we can come to no other conclusion than this, if we are to accept the Bill of my hon. and learned Friend. Now, what has my hon. and learned Friend said this evening in support of this view? He has brought up again the old story of the Petitions, which have been laid on the Table, and he seeks to found on that fact, an urgent demand why the Bill should become law. But what is the number of women in England, and what does he think of the ominous silence of those millions of women who have not petitioned in support of his Bill? Does he suppose, and is it possible for us to believe, that if the women of England in reality laboured under a thralldom, so galling as to be insufferable to them, that the signatures to these Petitions would not have been numbered by millions instead of by thousands? Then, again, we have been told of the great and oppressive inequality which exists in the laws as between men and women, and my hon. and learned Friend would have us to believe, that until they have votes, it is hopeless for women to expect anything even approaching to justice and equity at the hands of a Parliament, which is composed of and which is elected solely by men. Now, if that statement were true, if it had even a shadow of foundation, I

myself should be the first person to admit that they had strong *prima facie* grounds for the claim which has been made; but I deny that it is so, and I protest altogether against the idea that there is either the smallest desire or the intention, on the part of the Imperial Parliament, to do less than justice to women, and I claim, on the other hand, both for the Parliament and for those of whom it is composed, that they are animated by a deep and by a pure desire to deal out full and even-handed justice to all who come before them; be they rich or be they poor, be they young or be they old, or be they of whichever sex they may belong to. But, then, I am told that this is by no means the whole of the case; and my hon. and learned Friend has advanced a number of arguments, which he doubtless considers conclusive why the Bill should become law. We are told that women pay rates, and enjoy in that respect the same qualifications as men; that they are Peeresses in their own rights; that they can hold manorial courts; that women can be elected as overseers and churchwardens; and, finally, Sir, it is said—though I do not think my hon. and learned Friend used that argument this evening—that a woman sits on the Throne of the country, and that women vote for and sit upon school boards. Now, Sir, the House need be under no apprehension that I am about to discuss in detail, all these arguments which are brought forward. They have been argued and answered over and over again in this House, and they are one and all of them open, according to my mind, to one and the same objection. In theory, Sir, it is true, that if a woman pays rates, if a woman possesses the rights and bears the burdens of property, and is therefore a capable citizen, no adequate reason can be adduced why she should not have a vote in the same way as a man. But then we must go a little bit further than theory, and see where this doctrine would lead us. If the fact that a woman sits on the Throne, and that women vote for and sit upon school boards, is a reason why they should vote, it is, of course, a still better reason why they should sit in this House. Now, my hon. and learned Friend, following the example of all who have gone before him, has evaded

this very material part of the question, by saying he treats it as a matter of ridicule. I take issue with my hon. and learned Friend altogether upon that point, and I say that it must be regarded as a most serious part of the question. I have the highest authority, Sir, when I do this. What says Mr. Mill upon this point, himself the original author of the whole of this movement? Mr. Mill, it is true, has pointed out with some care—

“That the right to share in the choice of those who exercise a public trust is altogether distinct from the right to compete in the exercise of that trust.”

And, so far, I admit he is right, that the law in this country, while it requires a qualification from those who are to elect Members of Parliament, requires no qualification and places no limitation on those who are to be elected. But nowhere does Mr. Mill say women ought not to compete for this trust; on the contrary, Sir, I find that this passage occurs in his book, which I will read to the House. Mr. Mill says, that—

“To ordain that any kind of persons shall not be physicians, or shall not be advocates, or shall not be Members of Parliament, is to injure not only them, but all who employ physicians, or advocates, or who elect Members of Parliament.”

And, again, Sir, if I may read another quotation of which I believe Mrs. Mill is the author, what does she say on this point? Mrs. Mill says—

“We deny the right of any portion of the species to decide for another portion, or any individual for another individual what is and what is not their proper sphere. The proper sphere for all human beings is the largest and highest which they are able to attain to. What this is cannot be ascertained without complete liberty of choice.”

Now, Sir, quotations like these, especially coming from the quarter they do, if they have meaning at all, clearly mean this—that they both had it in contemplation, that, sooner or later, women should not only vote, but should be elected as Members of Parliament also. I trust, therefore, Sir, that in future, when this objection is raised, that it will not be simply evaded, but will be met with the argument and the attention which it deserves, and that we may have it explained, if this Motion, indeed, is to be treated in earnest as a serious question. What the disqualification is which rests upon woman, as woman, with regard to a seat in this House, which does not equally rest upon woman, as woman,

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with regard to the votes, which confer the right to a seat in this House. And now, Sir, I have endeavoured, as far as it lies in my power to do so, to meet and to answer the arguments which have been advanced by my hon. and learned Friend. There remains little further for me to say. I have such reverence for women, such deep respect for their peaceful and unselfish lives, for the purity of all their thoughts, and for that unerring instinct, by which I do believe, in all their aspirations they are guided, that if I was convinced that the suffrage was demanded by any large majority, it would be difficult, indeed, to resist their application. But it is because I am convinced that this agitation which we see being carried on around us in no way represents the wishes or the views of the vast majority of Englishwomen, but rather the restless and discontented longings of a few, and those, it may be, not the happiest or most favoured of their sex, that I will not cease to offer opposition to this mischievous and idle Bill; and claiming, as I do claim, then to speak in the name and on behalf of an overwhelming majority of the women of my country, I move, Sir, with confidence and expectation, the rejection of this most uncalled-for and most unnecessary measure.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day six months.”—(*Mr. Chaplin.*)

MR. LEATHAM: Mr. Speaker—Sir, the hon. and learned Gentleman who brought this Bill before the House (Mr. Forsyth) complains that some of those who dispute the claim of women to co-ordinate political authority with men have indulged in sarcasm and ridicule in place of argument. But, Sir, when it is proposed to set aside the immemorial usage of mankind, surely the burden of proof rests not on those who resist the change, but on those who urge it. And when something is proposed so strange that it has never yet occurred to any member of the human family until we arrived at the enlightened generation of the hon. and learned Gentleman to propose it, surely the *prima facie* irony of the situation is more crushing than any sarcasm which human ingenuity can devise. Does the hon. and learned Gentleman think that while

mankind has been exploring now for thousands of years, every nook and corner of political experiment, yet that it has never occurred to anyone to suggest the promotion of women to equal political authority with ourselves, is or is not an argument against this Bill? But, perhaps, the hon. and learned Gentleman will say that the immemorial practice of mankind has been founded upon sentiment and not upon reason. Sir, I think it will be an evil day for all of us when we discard sentiment in legislation, especially when we are dealing with our relations towards the other sex. What is sentiment? It is the resultant of a great variety of forces, of which reason is only one, others being respect for authority and custom, the influence of conscience, of common sense, observation, and experience. Now, I do not hesitate to say, notwithstanding what has fallen from the hon. and learned Gentleman, that the concurrent sentiment of both sexes—I speak of the vast majority—is entirely opposed to the principle of this Bill. When any hon. Gentleman rests his vote upon the concurrent sentiment of both sexes, backed by the immemorial usage of the species, I do not think he need be under any very violent anxiety, even if for a moment he permits his reason to repose. But I should be content to base my opposition to the measure upon the attitude towards it of the very sex for whose benefit it is sought. The hon. and learned Gentleman has admitted that women are not great logicians. I think that every one will allow that Nature, speaking generally of the sex, has denied to woman the faculty of very close reasoning; but Nature has given woman another faculty, which, under her circumstances, is perhaps of equal importance—and that is an innate and unerring, and, to the best women, imperative sense of what is womanly. And with all the vehemence of an intuitive perception, I maintain that this sense rebels and protests against the principle of this Bill. Does the hon. and learned Gentleman deny it? It was only the other day that I read a letter in the newspapers, written by an ardent supporter of the hon. and learned Gentleman, in which she bitterly and passionately upbraided her sex for their almost total indifference to this movement. I think her words were,

that not one woman in a hundred could be induced to take any interest in it. Is it possible to conceive a more crushing condemnation of the movement itself? Are we asked to enfranchise women in spite of themselves? Every appeal has been made to the foibles of the sex, to vanity, love of change and novelty, and the notion which some women entertain that man is an oppressor. And what is the result? Why, the sense of what is womanly stands firm, and women generally have set their faces resolutely against their benefactors. The hon. and learned Gentleman spoke of the Petitions presented in favour of this Bill. There never was a more conspicuous failure. We all know how Petitions are got up. Let the hon. and learned Gentleman count the number of women in the constituencies, and then compare them with the number of women who have signed these Petitions. I have ventured to oppose this measure before, and I put a Motion on the Paper for its rejection, and, therefore, at times I have drawn upon myself the full stream of the hon. and learned Gentleman's agitation. Meetings have been held in my constituency. Women, charming in everything except the false position which they were betrayed into assuming upon a public platform, have addressed highly sympathetic audiences, who admired the oratory through lognettes. And what was the result? I received a memorial signed by 130 persons. I have the honour to represent a constituency of 12,000 electors, and containing 80,000 persons. I have presented to-day a Petition, signed, I am told, by 6,000 persons, or not quite one in every 12 throughout my constituency. Let the hon. and learned Gentleman convince the clients on whose behalf he professes to appear before he attempts to convince this House. Well, Sir, because we confront the hon. and learned Gentleman with sentiment, or, if he will, with ridicule, do not let it be supposed that we are unwilling to meet him in fair argument. I think he has been met in fair argument already by the brilliant speech of my hon. Friend opposite (Mr. Chaplin), and, like him, I decline to argue this broad question upon the narrow and artificial ground selected by the hon. and learned Gentleman. The question before the House is not, shall a few spinsters and

widows be admitted to the franchise? but shall woman be declared the political equal of man? The House may at once gather what is the real scope and object of this movement if it recalls what took place last year. The hon. and learned Gentleman has told us that last year he inserted a Proviso in his Bill which should formally exempt all married women from the franchise. What was the result? There was an immediate exclamation, I will not call it "a shriek," from the sisterhood. There was a general erasure of names from the committee, and angry letters appeared in the newspapers from supporters of the hon. and learned Gentleman, in which they stated, with the freedom and courage with which some women approach certain questions, that if the Bill were passed in that shape it would be a Bill for the enfranchisement of a class of women—not being a woman I will use a periphrasis—whose public virtues greatly outshine their private ones. The hon. and learned Gentleman has admitted that if we pass this Bill we shall enact exactly the same franchise as that which would have been established last year with this Proviso. Is the House, then, asked to pass a Bill which, in the language of supporters of the hon. and learned Gentleman, is for the enfranchisement of women of easy virtue? Is this what he means by the removal of the disabilities of women? The House will arrive at the same conclusion with regard to the scope of this movement if it recalls the history of the movement itself. A few years ago, with that indifference—I will not say contempt—with which this House at times appears to regard matters of a purely municipal character, at 3 o'clock in the morning, it flung the municipal suffrage to the clamour of these agitators. Almost simultaneously we gave the school board franchise. We were told at the time when these franchises were conferred that we were not so much as touching the far wider question of the Imperial franchise; and yet, Sir, the municipal franchise was scarcely given when the Imperial franchise was demanded. We are told now that we are not so much as touching the far wider question of the enfranchisement of women irrespective of marriage; and yet I am prepared to show that a parallel movement in favour of giving franchises

to married women has already commenced. I hold in my hand a letter which was addressed a few months ago to an hon. Friend of mine in this House. With his permission, and the leave of the House, I should like to read a short extract from it. The writer says—

"I am writing to ask whether you will allow your name to be inserted in the list of vice-presidents of an influential Liberal-Conservative Society, which is being formed solely for the purpose of obtaining the school board franchise alone for the wives of registered male electors. It is thought a grievance and injustice that mothers of families, whose respectability is guaranteed by their husband's position as a householder, should be indirectly excluded from a trust"—[*'educational' is written in afterwards*]

—"*already conceded to ratepaying spinsters.*"

If you pass this Bill, what is to prevent this "influential Liberal-Conservative Association" from extending its operations? What is there in this argument which is not applicable to the municipal or Parliamentary franchise? Would not the respectability of married women be guaranteed then by their husband's position as a householder, and would it not be just as great an injustice that they should be indirectly excluded from other trusts? Of course we shall be told, as the hon. and learned Gentleman has suggested, that married women can never be enfranchised in this country, because by the Common Law of England a married woman is placed in a position of subordination to her husband, and of dependance upon him, and that it is of the very essence of our electoral system that electors should be independent and free. But this leads me to the centre and kernel of the whole question. It is impossible to discuss female privileges apart from the consideration of the relations of the sexes in marriage. If marriage were an accident, or merely an incident in the career of woman, it would be different; but when marriage is the ordinary and normal state of woman—the state which, Miss Becker herself tells us, all women regard "either from the side of experience or expectation"—it is simple folly to discuss the question of female suffrages and privileges apart from it. If you give the franchise to women at all, give it first to those women who are discharging the sovereign responsibilities of the sex; who are mothers of families; and who have given precisely those guarantees to law and order which it

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was the intention of the State in enacting household suffrage to demand from men. Again, Sir, if the sexes are to be declared politically equal, equality of political rights involves equality of political obligations. The right of voting involves the right of being voted for. Political equality means a great deal more than equality from an electoral point of view; it means also equality from a legislative and an administrative point of view. You must have women in this House, women upon that Bench, and women, too, upon the Judicial Bench. The hon. and learned Gentlemen disclaims this. He derides the idea of women sitting in this House; but when you come to political equality between the sexes, I defy him to fix the logical point at which the absurdity begins. Of course, the position of those who are opposed to this measure is that which has already been stated by my hon. Friend opposite (Mr. Chaplin)—namely, that it is not sentiment, or prejudice, or any desire of one sex to domineer over the other, but the highest economy, based upon the Divine law itself, which has resolved the whole sum of human duties into two distinct spheres; not antagonistic, the one inferior and the other superior, but complementary the one to the other, and representing together the ideal of humanity which is dual not single. Under this natural and providential arrangement, those duties which belong to the external world, which are rugged in their character and require the exercise of that practical sagacity which it is not possible any one can obtain without mixing freely with his fellows, fall to the rougher and more rugged sex; while those which are best discharged in the privacy of home, which appeal more to the heart, have fallen to that sex, of whose virtue shrinking modesty is an essential part, and who, in all matters relating to the heart, are a higher and purer sex than ourselves. But when we talk of the duality of the species we are assailed by statistics, which show that there are a number of women in this country, who, in the nature of things, can never marry, and we are asked to provide for them a masculine career. But is it any proof because a woman happens to have failed, from one cause or another, in the rôle of her own sex, that she can adequately discharge

the more difficult and less congenial part of man? As I have said, Miss Becker implies that she still regards marriage from the side of expectation; and I think it argues strange poverty of resource in women to assert that there is no career open to them unless they have the career of men presented to their choice. In spite of the march of civilization, there is still some human suffering left in the world. There is still pain enough to soothe, and sorrow enough to solace. It is in this field that women in all ages have been able to satisfy the loftiest ambitions, and, in doing so, have raised themselves, and their whole sex along with them, to a pinnacle of greatness which the best men have envied in vain. Nor is it any argument to say that there always have been women equal to any man in political capacity. As there are always mule birds in every pheasantry, so there are always, as Shakespeare says, women, who, "if they be not caparisoned like a man, have a doublet and hose in their disposition." What should we think of the logic of a logician who argued that because there have been men the equals of any woman in the management of children, or of the *batterie de cuisine*, therefore the nursery and kitchen formed the proper sphere for the exercise of masculine energy? I have observed that even the Queen has been dragged into this discussion. I wish to speak of the Queen with the deep respect and loyalty which I feel; but I must ask whether the Queen is an apt illustration of this theory? Is the Queen a Party politician? Has the Queen to choose between two rival policies? We all know that the Queen rules by the advice of her Ministers, who, thank God! at present are men and not women. And if there be one trait in the character of the Queen which has endeared her to her people more than any other, it is the profound respect which she has always felt for the memory of the Prince upon the guidance of whose masculine intellect she was accustomed to rely. I will not enter at any length into the somewhat invidious controversy raised by the hon. and learned Gentleman as to the comparative political capacities of men and women; but I should like to ask him one question upon this point. How does he explain the fact

that we—I speak of the Anglo-Saxons on both sides of the Atlantic—are the only race which is able to point to the permanent success of representative institutions established upon a popular basis? Is it not due to the fact that we are in all probability the most practical and least emotional of nations; that we are almost wholly free from those paroxysms of passion and caprice which have again and again made women of the Latin races upon the Continent? But just in proportion as you introduce into your electoral system the elements which distinguish the Latin races, and the whole race of women, you endanger everything of which in this country we are proud. If these are the arguments which can be adduced against the measure, I want to know what becomes of arguments based on an assumption of abstract right? When my hon. Friend the late Member for Manchester (Mr. Jacob Bright) had charge of this Bill, I think he was wiser in his generation than the hon. and learned Gentleman, for he used to begin by frankly admitting that he could not base his argument upon any question of abstract right. He said—"I am aware that Parliament never yet legislated to satisfy a theory or to establish an abstract right." But the argument in favour of the Bill to-day has been abstract right from one end to the other; and I think the hon. and learned Gentleman will not complain if I proceed to formulate his argument in these words—If sex be no ground for relieving women from the burdens of citizenship, sex can form no justification for refusing them the rights of citizenship. But, Sir, sex is a ground for relieving women from many of the burdens of citizenship. For example, they are relieved from the burden of personally assisting in defence of their country, or of aiding the police in the discharge of their duties, and from the onerous burden of serving upon juries. The hon. and learned Gentleman tells us that because women pay the Queen's taxes, therefore they ought to vote, on the ground that representation and taxation go together. I understand that some women have gone the length of refusing to pay Queen's taxes on that ground. I wonder whether it occurred to them at the same time to renounce the Queen's protection? Do they forget that all women, all un-

married women especially, receive from the State an amount of protection far in excess of that accorded to any man, or of any contribution which they are asked to make to the Exchequer? Do they forget, as Shakespeare says, that "Beauty provoketh thieves as much as gold?" The hon. and learned Gentleman has cited the instance of the persons at Bridgwater who have protested against the payment of rates enhanced by the expenses of the local Election Inquiry, on the ground that they were not voters, and had nothing to do with bribery. They might just as well have protested against payment of the police rate on the ground that they were not pickpockets. Then we are told that the suffrage is based upon property, and that property has a vote, whoever holds it. I will not remind the House of the well-worn story of Dr. Franklin and the donkey suffrage; but I may say that the suffrage is not based upon property in this country, or the voting power of the individual would be proportionate to the property he possessed. Nor is it based upon the personal payment of rates in the sense of taxation being linked with representation; or why have we a lodger franchise: and how can the discharge of municipal obligations confer an Imperial privilege? The real intention of the Legislature in prescribing the personal payment of rates as a condition of the suffrage, was simply to draw a line somewhere, and to establish a hedge on the other side of which it might fairly be contended that no one had arrived at that position of independence and intelligence which would alone justify us in giving the Imperial franchise. It is no doubt true, as a matter of antiquarian lore, that representation was originally based upon taxation. Parliament, in those days, had no higher function than to vote Supplies, although they availed themselves of the opportunity now and then to offer sound advice to the Monarch. But we have long ago drifted away from that primitive state of things; and it is trifling to argue this question as if we were still living in the days of the Plantagenets. The questions which now come before Parliament are of the utmost importance, and of a technical and complicated character. We have questions about the administration of the Army and the Navy, about finance, and ecclesiastical policy, the judicature, and

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procedure in the Law Courts. What information can women bring to us upon these points! Yet the hon. and learned Gentleman argues as though this great Parliament were assembled for no higher purpose than to legislate about the custody of infants. By all means let such questions be duly and patiently considered; but do not let us remodel our whole electoral system with an eye to the supposed interest which unmarried women take in the loathsome and disgusting question which was glanced at by the hon. and learned Gentleman. We are told that there are certain women's grievances which will never be redressed until women are represented. It is hardly credible, but scarcely one of those grievances to which he referred affect the women whom he proposes to enfranchise. The hon. and learned Gentleman says that women must be enfranchised in order that their grievances may be redressed; and yet the women whom he selects for enfranchisement are those whom the grievances do not touch. It is almost as though my hon. Friend the Member for the Border Burghs (Mr. Trevelyan) were to bring in a Bill for the extension of the franchise in counties, on the ground that the grievances of agricultural labourers would never be redressed until they had votes, well knowing that there was a clause in his Bill which would have the practical effect of disfranchising every agricultural labourer. If these grievances of women are as oppressive and patent as the hon. and learned Gentleman has asked us to believe, I want to know why he does not devote some part of his redundant energy and overflowing eloquence to their exposure in this House? I will give the House a reason why this is not done, although I do not suggest that it is the one which actuates the hon. and learned Gentleman. Were these grievances to be brought before this House they would be discussed, and the House would arrive at one of two decisions. It would either decide that they were grievances, and redress them; or it would decide that they were not, and dismiss them. Either course would be fatal to the hon. and learned Gentleman's case for this Bill. The fundamental error of all this reasoning is, that women constitute a class apart in the sense that agricultural labourers or working men constitute a class

apart. They do not do so; there is no want of sympathy between men and women; and for all practical purposes women are represented already by their husbands, sons, and brothers. But no one will contend that working men are adequately represented by their employers, or that agricultural labourers are adequately represented by the farmers. The last argument to which I shall advert, is that to which the hon. and learned Gentleman referred when he spoke of the Ballot. Perhaps I have some little right to speak on behalf of the advocates of the Ballot. He says the institution of the Ballot has removed the greatest obstacle to female suffrage, because it has put an end to violence at the polls. I am glad to hear from him such valuable testimony to the success of the Ballot. It is quite true that the advocates of the Ballot hoped that its introduction would put an end to all forms of intimidation, and amongst others to that of violence at the polls. And we attached so much importance to this, that we were willing at the time to disregard other evils which the experience of Australia had told us we might expect if the Ballot were introduced. One of these was the greater prevalence of treating prior to the poll. I do not know whether it has had that effect, but I should not be surprised if it has; and I consider that nothing could be more demoralizing than to subject unmarried women to this general treating before the poll took place. So that if the Ballot has removed one objection to female suffrage, it seems to me to have substituted another. I ought, Sir, to apologize for trespassing upon the time of the House so long. I have spoken at some length, because I was anxious to clear myself from the imputation of desiring to dismiss this question lightly. I do not think the question ought to be measured by the amount of emotional inconsequence and hysterical incoherence displayed by some of its advocates. As I have endeavoured to show, it goes down to the very roots of political principle. I have heard that it is desired to secure for women an equal share in the distribution of Garters and ribbons. By all means let them have Garters and ribbons; but if we value the manliness of our institutions and the manliness of our policy, let us keep all the springs and sources of them manly.

MR. SMOLLETT said, he believed he was not at fault when he said that the first Motion for removing women's disabilities in that House was made in 1867, and he further believed he was equally correct in stating that when the matter was mooted on that occasion it was thought to be a sorry jest. In the same year the House was engaged in the discussion of a huge Reform Bill, which was characterized by its authors and promoters as a "great leap in the dark;" and Members of Parliament at that time could hardly bring themselves to believe that women, who were as a sex wide awake to their own concerns, could have endured these supposed wrongs for so many generations, nay, could have slumbered over them for centuries; and that they had then only for the first time discovered that all the ills to which flesh is heir would be redressed by the admission of a small portion of their sex to the enjoyment of a household or lodger franchise, shared by tens of thousands of the artizans and working classes in this country, most of whom, but for a self-acting registration, would not take the trouble of making a claim for their votes. But what was at that time thought a very sorry jest, had turned out to be a sad reality; for *dilettanti* statesmen and idle legislators had seemingly resolved that the question should be agitated to the extent of at least wasting one night every Session; and if the promoters of the Bill succeeded in carrying the second reading, it was obvious that several days must necessarily be consumed in its discussion, to the delay of all ordinary business and the detriment of the real legislation of the Session. The Bill, the second reading of which had been moved that evening, was one of the tiniest and puniest measures it had ever been his fortune to criticize. It recited no grievance which its adoption would remedy. It had no Preamble, and yet the Bill had been described by some of the greatest statesmen in the House—notably by the right hon. Gentleman the Member for Greenwich (Mr. Gladstone)—as a measure which he would not countenance, because it was calculated to uproot society from its foundations. He was stated to have made this admission in 1870. As that right hon. Gentleman was

"Everything by turns and nothing long"

he supposed the promoters of the Bill expected he would support its second reading on the present occasion. But the earnest opponents of the Bill continued to declare that it was a measure which would disturb the entire structure of society; which would obliterate distinctions which had existed since the commencement of the world, and were still recognized by every civilized community; for—

"When Adam dived and Eve span,"

Adam was a bread-winner, and Eve attended to her domestic duties. This was a Bill of organic change, a huge measure of reform, and like all such measures reforming downwards, tending to universal suffrage. Yet the Bill was compressed into six short lines. It simply declared that in certain Acts of Parliament, which it did not specify, wherever the words imported the masculine gender, they should be held to mean the feminine gender—that was the Bill, the whole Bill, and nothing but the Bill. He remembered that in the year 1860, Lord John Russell introduced a Reform Bill into the House of Commons, which consisted of five or six printed pages. That measure did not propose to enfranchise more than the present Bill did, but it was nearly snuffed out on the second reading by an observation made by the then hon. Member for Marylebone (Mr. Edwin James), who, although he supported the proposal, said the Bill was not meant to pass, for he would undertake that his clerk would draw a better Bill for the modest remuneration of three guineas. The laughter that followed that announcement nearly destroyed the Bill, and it was shortly afterwards withdrawn. He thought the draftsman of the present Bill would be well paid by a little sixpence, which was at the rate of a penny a line. Last year there was a Proviso to the Bill, which was contained in one line, stating that married women might be registered, though they should not vote under the Bill. There was no such Proviso in this Bill; and in explanation it was stated that, as by the Common Law, married women were disqualified, the proviso was unnecessary. Well, if this was the case, he contended that both Bills had something in common—both threw a stigma on married life. Both declared emphatically that when a woman married she

lost her rights of citizenship—that her duty thereafter was to bear children; that she was the slave of her husband, and part of his goods and chattels; that her *role* in life was altered, and that she must be content—

“To suckle fools and chronicle small beer.”

Under this Bill, elderly virgins, widows, a large class of the *demi-monde* and kept women, of whom, in a large town like this, there must be a great number, would be admitted to the franchise, while the married women of England—mothers, who formed the mainstay of the nation—were rigidly excluded. He had stated that it was only in 1867 that notice was taken of the disabilities of women in the House of Commons; but he was aware that this agitation had been carried on for some years before in the country. That agitation was brought into Great Britain by an importation of turbulent women from America, a country where it had been going on without any good result for something like half a century. Those ladies came over to champion “Woman’s rights,” and proclaim the equality of the sexes; and to show they had a right to do so, they assumed, or rather usurped male attire—they clad themselves in breeches. They were called “Bloomers.” That agitation lasted but a very short time, and why? Because women, as a rule, coveted admiration—the admiration of the male sex. Every woman who entered life expected, and hoped and believed, that one day she would be a bride, the mistress of a household, the mother of a family. Women made use of dress as an attraction to the male sex, for there was nothing so pleasing to the latter as to see a well-dressed woman. The ladies soon discovered that the new costume was not attractive. They saw at once that the pectoral, abdominal, and fundamental development of the sex looked grotesque in male attire. That style of dress was, therefore, soon abandoned. But although this distinctive dress was discontinued, the type of the strong-minded woman still survived. They formed a great organization, but it was not one which could be in any respect formidable—it was nothing like so troublesome as the Tichborne organization which now prevailed. No doubt, associations had been formed by the ladies in almost all the large towns,

and lecturers sent round the counties talked a vast amount of rubbish, and the rights of women were constantly paraded. Those women who took up questions which they said appertained to the female sex alone had taken up questions that belonged properly to men, for they had entered into an hysterical crusade against the Contagious Diseases Acts. They championed the right of their fallen sisters to spread disease broadcast among the brave defenders of their country in seaport towns and in camps. The only consolation we had was, that the women in this country who took up these questions were few—not one in 50. Women generally were ashamed of those of their sex who took up this subject. Married women, as a rule, did not care for a Bill like this, because they believed what was said in Scripture, that man wanted a helpmate, and woman the comfort and support of a husband. And yet in all the meetings held throughout the country on the subject, the great argument used was that women ought to have a vote because the sexes were equal—nay, that women were far superior to men. He was not in the habit of attending any of those meetings, but he had read the lucubrations of some of the speakers, and with the permission of the House he would give a specimen of what was said at them. Some years ago a meeting was held at Edinburgh, which was the hot-bed of this agitation, for Edinburgh was a town where strong-minded women “most do congregate.” It was one of the most respectable meetings ever held on this subject; it contained a sprinkling of Members of Parliament, the families, he believed, of those Members attended, a number of Professors of the University, and a considerable body of citizens were present. The oratory was most successful. It was of the most sensational character, and was to this effect:—Women were described as something only inferior to angels; men, especially of the lower or the middle classes, as being brutal and debased; and the right of married women to vote in contradistinction to their husbands was insisted upon by almost every speaker. One of the orators present discoursed in something like the following language:—“Go into the wide world—he presumed by that expression the wide world of Scotland was meant—

and what is the common language that we hear every day? It is that women, as a rule, are as administrators vastly superior to men. From the Newhaven fishwife to the highest lady in the Realm, women do every duty they undertake far better than men. If we go into general society, what is the purport of the conversation that we hear next morning at the breakfast table? It is this—that the man in the house where the previous evening was spent is a very ordinary fellow, a poor creature; but that ‘the grey mare in that household is the better horse.’ What is the language which every day meets our ears in ordinary life? It is this—‘That woman has made a good wife to him;’ that the woman is the real bread-winner, the real head of the household; that but for her labours and her exertions that fellow of a husband would have gone to the gaol or probably to the gallows. All this is admitted by society; but what says the law? The law as at present constituted says that the nobler vessel, the woman, shall be plundered, rifled, robbed, by a thief of a husband.”

MR. LYON PLAYFAIR: Could the hon. Gentleman tell us whether he is quoting a speech?

MR. SMOLLETT: The purport of the speech. The speech itself is to be found in the newspapers, and to quote it would take some hours.

MR. LYON PLAYFAIR: Who is speaking, may I ask?

MR. SMOLLETT: You may refer to the newspapers of the time. He might say, however, that it was a Member of Parliament. The orator proceeded thus:—“The man never did, never could gain his livelihood, but no doubt he has a vote, and he is ready to sell it for a pot of beer.” All that, of course, the orator added, required reform—we wanted a new Reform Bill, and here we had it, the Bill of the hon. and learned Member for Marylebone. But this Bill would not give a vote to the wretched, rifled, and robbed wife, the husband would have it still, and therefore it would not meet the grievance of which the orator so pathetically complained. Another speaker expressed himself thus:—“No man can truly represent a woman’s interests and feelings. John Stuart Mill may write of their wrongs, Professor Masson may make an eloquent harangue in their favour, but no one save a woman

herself can find out what is a woman’s will.” Lord Byron had said—

“Men with their heads reflect on this or that,
But women with their hearts on Heaven
knows what.”

If Lord Byron lived to this day, he would have found out what it was, he would now know that they set their hearts on the lodger franchise. The same speaker went on to say that the cleverest women in Great Britain were lodging-house keepers, he seemed to have a large acquaintance with that portion of the community. He said, very truly, that there were whole streets of lodging-houses in great towns, kept generally by women who were married. Of course, they had drunken husbands. One, indeed, would have supposed that it was a meeting convened by the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), and that the remedy would have been the Permissive Bill. But no; the speaker said that those drunken husbands spent all their time in public-houses, leaving their wives to carry on the whole duty of the household, and yet they had no votes. And why, he asked, should they not have votes? Assuredly, they deserved them better than their drunken husbands. But this was not a Bill to give them votes, and therefore, if it were passed, every one of these excellent women would be as badly off as she was now. He would not now go into the question at greater length; but, in conclusion, he would say that if we were to have legislation for the removal of women’s disabilities, this was not a straightforward, honest, and manly way to meet the difficulty. If women, as a rule, were trampled on, thrust aside, tyrannized over by the male sex, as they alleged, let us freely admit the fact and make them ample reparation. If women no longer desired to be helpmates to men, if they thought that their *role* in the world was to compete with men and to surpass them in all the walks of life, let all the Universities in Great Britain be thrown open freely, and let young women and young men compete on equal terms for the honours of University life. They should be permitted to be called to the bar, to hold livings in the Church, to practise medicine and every other profession. They should be named as grand jurors, put upon the bench of magistrates, and compelled to serve as petty and special jurors upon all occasions,

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even upon coroners' inquests. They should be not merely permitted to vote, they should be admitted to those benches in the flesh, and not kept cooped up as they were now in the cage above the Chair. Peeresses by descent or by creation ought to be summoned by Her Majesty to take part in all the great business of the nation along with the Lords Spiritual and Temporal at the commencement of each Session. Nay, more. This House would not be stepping outside its functions by going up with an humble Address, praying Her Majesty to create a batch of Peeresses to take part in the discussions of the Upper Chamber. And if the administrative power, the genius, the eloquence of women should prove of great service in the Upper House; if these attributes should succeed in leavening the mass of that august but inert Assembly, then we might devise means by which a considerable number should be brought into the House of Commons at the next General Election. That was the sort of legislation we ought to take in hand, if the rights and wrongs of women be as they had been stated by their advocates; but, first of all, let them get rid of that abortion of a Bill, which was simply to say that in some Acts of Parliament which were not specified "men" should mean "women," and "women" mean "men," for that was a sort of language which, as Lord Dundreary had it, no fellow could understand.

MR. STANSFELD: I do not rise to reply to the speech of the hon. Member who has just addressed the House. Attacks which are coarse without being humorous defeat their own purpose, and damage the cause which they are meant to promote. The hon. Member has spoken of the women who rightly or wrongly are interested in this question in terms which I will not condescend to discuss. He has spoken of this question as having been imported by turbulent, fantastically-dressed women from beyond the Atlantic, and has said that it would largely enfranchise women of bad character. If it were necessary I could meet the hon. Member upon that ground, and I should be willing to undertake to expurgate from the Bill any words that could confer such a franchise, and insert others which would prevent its being conferred, on one condition, that the men who frequented the habitations of these sup-

posed future voters should also be disfranchised. The hon. Member has had the courage to refer to the question of the Contagious Diseases Acts. In my opinion those Acts form a piece of grossly unjust, unconstitutional, and immoral legislation. ["No," and "Question."] No, I beg the hon. Member's pardon, I have not raised this question, it was raised by the hon. Member opposite. Those Acts would never have been passed if women's voices could have been potentially heard through Representatives whom they might elect to this House. But I am not about to discuss that question. It is not before us to-day, and I have only referred to it on this occasion to object to its having been introduced by the hon. Member. It will come before the House on a future day, and if the hon. Member will be here, and will do me the honour to listen to me upon that occasion, he shall hear in no uncertain terms what I believe I can prove of the character, the operation, and the immorality of those Acts. But I pass with pleasure from the speech of the hon. Member to those of the hon. Members for Lincolnshire and for Huddersfield. Both those speeches were distinguished by argument, by eloquence, and by brilliancy, and against neither of them have I a word to say—with one reserve, that I should have been glad if my hon. Friend the Member for Huddersfield could have prevailed upon himself to resist the temptation to utter a few *bon mots*, which it would have been better not to have given utterance to. Those hon. Members stated in their speeches much that was of a remarkable and a hopeful character. They both opposed the proposed legislation on grounds which would make it impossible for them logically even to entertain a proposal of this kind, and yet both of them gave the House to understand that although they did not believe that there was any evidence of women desiring such legislation, yet if a proposal of this kind were generally supported by the women of this country, they might modify their views on the subject, and might even vote for the Bill.

MR. CHAPLIN: I beg the right hon. Gentleman's pardon. What I said was that there would be a difficulty in resisting the application.

MR. STANSFELD: I did not take the hon. Member's exact words down. I understand, now, that what the hon.

Member means is that it would increase the difficulty of resistance, and not, as I understood him, that it would have an operation upon his own mind.

MR. CHAPLIN: I had no intention to convey that impression in the language I used.

MR. STANSFELD: I accept the explanation of the hon. Member. Both of the hon. Members said, and said quite reasonably, that it was for the supporters of the Bill to prove their case, and called upon them to show that there was a claim of right or expediency, and that there were conditions of sufficient urgency to justify Parliament in acceding to the demand. Well, I will endeavour, and, I hope, not at great length, to comply with this reasonable demand, because I for one seriously believe that what we now ask for would improve the conditions of the representation in this country, and would exercise a beneficial influence upon our Imperial legislation. I will not enter into the question of abstract right. If the House of Commons is not prepared seriously to entertain the proposal before it, no demonstration on my part of the abstract right will serve to convince it. But if, on the other hand, the time should arrive when, in consequence of the urgency of the demand, or of new political motives, hon. Members should become more prepared to entertain this question than they now are, I have no doubt that ideas of abstract right will very rapidly and easily range themselves on the side of events to come. The ground of abstract right, however, was one which the hon. and learned Gentleman, in introducing this measure, was bound to put before the House. There is also the ground of a large expediency, the advisability of satisfying a not unreasonable desire and demand, the expediency of bringing new influences to bear upon the legislation and the administration of the country. But there is another aspect of the question which to my mind is more practical and more fitted for our consideration, and that is that we should ask ourselves on what grounds we are to refuse the present proposal, why we should desire to refuse it, and what there is to fear in granting it. I listened to the debate in some respects with considerable satisfaction, because in the course of it I found that many of the objections that formerly were raised to the enfranchisement of women have

disappeared. It was not without satisfaction that I found that no hon. Member referred to the pamphlet by Mr. Goldwin Smith, in which that able writer states that the enfranchisement of women by this Bill would lead to the enfranchisement of a law and liberty dialiking class, and would end by overthrowing all our free institutions. A view so extravagant is not worthy of a writer of Mr. Goldwin Smith's ability and eminence, and I am glad that it has not been put forward to-day. Then, again, we have heard much less of the physical unfitness of women to exercise the franchise. There is no doubt that there is a radical difference in nature and in constitution between men and women, but that is a difference which will endure whatever our legislation may be, and I should be glad to see hon. Members put more faith in this constitutional difference between the sexes which the laws of Nature have provided. But although it may be true that there is this constitutional difference between the sexes, yet there is this distinction to be borne in mind—that although there may be an unfitness on the part of women for certain careers in life, such as that of the Bar, or that of politics, or to be members of a Legislative Assembly, or of an Imperial Government—that is not the question we have to discuss to-day—the question we are called upon to determine, and in my opinion it is impossible to dispute it, is the competency of women once in every three or four years to vote by ballot at the election of a Member to serve in this House. Women have by the Common Law a local vote, and of late years we have given them the municipal and the school board franchise. It has been said that we gave them the municipal franchise by surprise; but no proposal to withdraw that franchise from them has been brought forward, and I challenge any hon. Member who holds the view that they ought not to possess it, to propose a repeal of the law in that respect. If that law is not to be repealed, then I say that the distinction you endeavour to draw between the exercise of the local and Imperial franchises is not founded either in reason or in fact. I hear such expressions as these used—that it is not the function of woman, and she is not trained or educated to rule great Empires? But is the bulk of the male population trained and educated

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to rule great Empires? Can we not draw a distinction between the function of voting for a Representative and the function of representing those who vote. I would further ask hon. Members to bear in mind the fact that women are gradually accustoming themselves to the exercise of the privilege of voting in consequence of their possessing the local franchise, and that their thus having a share in local government tends to enlarge and elevate their character, and that any distinction you may choose to draw between the exercise of the local and Imperial franchise is one that is destined to diminish and to disappear. So much for the objections that have been raised against the Bill; and I think that I have shown that I am justified in saying that the hon. and learned Gentleman is entitled to ask the House to come to the consideration of this measure upon its merits, without being too much alarmed at the bugbears and the ulterior results to which this proposed legislation may be supposed by some as likely to conduce. As I understand the arguments of those who oppose the measure they come to this: that on the one hand the Bill is not a genuine practical measure of reform, because it would only enfranchise a small proportion of women, and not those who, if women were enfranchised, ought to be placed on the register. The second objection is that this measure, having no sufficient practical justification in itself, ought to be regarded simply as a stepping-stone to something further intended to be accomplished by the hon. Member at some future day, but when it is impossible to say. I take issue upon these objections. As to the first objection, it is perfectly true that the franchise would be conferred by this Bill only upon widows and unmarried women, and not upon married women who are not widows; but it does not, therefore, follow that the views of women would not be fairly represented upon every question affecting their interests. What is our experience upon this point? There is a remarkable logic in the course of political events connected with the franchise. As soon as you remove the political disabilities of a certain class, it is not necessary that that class should be represented in proportion to its numbers, or even so as to alter practically the composition of this House. The mere fact that the disabilities of a class have been removed

alters its condition, and raises its status in the public and in the legislative mind, and brings those questions in which it is interested to the front with a fair chance of their competing with others for precedence, and in these days the chief question is one of competing for precedence in legislation. Take for instance the case of the admission of the working classes to the franchise in 1867. The great blot upon the escutcheon of the middle classes of the Parliament of 1832 was that they failed in their legislation to provide for the education of the working classes; but the moment you introduced household suffrage, although it applied only to the towns and not to the counties, a complete change came "o'er the spirit of our dream," with reference to the question of education, and we made an enormous stride in that direction. We were told that we must educate our future masters—that we must educate those whom we enfranchised. The same thing will follow if women are enfranchised by virtue of those among them who are placed upon the register, and whether the widows and unmarried women care much or little for the education of female children, I firmly believe that the logical and practical and proximate consequence of passing this measure would be that we should be compelled to do an act of large justice to women with regard to their education, and that they would be able to make a demand upon the Imperial and local funds and endowments of the country such as would, if acceded to, bring about something approaching justice and equality in their educational treatment as compared with that of boys. As to the second objection, that this measure is not a resting-place—that it is a mere stepping-stone to further legislation—I distinctly deny and disbelieve that proposition, and I will state to the House my reasons for doing so. One reason is that which I have already endeavoured to place before the House—namely, that this Bill will give to women a *bond fide* representation, although only a portion of the sex would be enfranchised by it, and would affect sensibly the order and precedence in which we should approach questions in which they are interested. But beyond that I believe that this measure, if carried, would positively conduce to finality and permanence in our Repre-

sentative institutions, which the House and the public accepted and adopted in the Reform Act of 1867. The hon. Member for Huddersfield has said that it is not the possession of property, nor even the occupation of property, that ought to confer a right to the franchise, and that the base and principle of the measure of 1867 was the representation of the household. I ask you to go a step further, and to say that the household should be represented through its chief and head, whether male or female. You will then be on the lines of your own legislation; you will be adopting, not a Radical and revolutionary, but a Conservative view of the subject, and you will have a chance of obtaining something like a firm and stable basis for your future representation. There are other objections which have been raised by those who oppose this Bill which are quite as fundamental as those to which I have already referred. The hon. Member for Huddersfield calls us theorists. That charge I retort. I say that those who oppose this practical and moderate measure are the theorists, because, after all, when we probe them to the very bottom of their thoughts, upon what grounds is it that they oppose this proposal? It is because they entertain certain *a priori* notions as to the place and functions of women in the world. The views of hon. Members who repudiate this proposal are based upon an *a priori* and upon consequences supposed to flow from it that are entirely inconsistent with modern facts. They would be consistent only with a condition of society which should combine the primitive relations of pastoral life with all that is most elevating and progressive in modern civilization. They deal with the question as though every woman in society in this country had a husband, a father, or a brother to protect her, and as though her functions were exclusively confined to the home. I say that that is not a practical view based upon the facts of the world in which we live. The hon. and learned Member in bringing this Bill before the House referred to certain statistics to which I propose to add a few figures. It may be well that I should remind the House of the large surplus population of women as compared with men, many of whom have no choice but to remain unmarried, and are forced to maintain themselves by their own exer-

tions. I find the figures on the point are these. The surplus number of women in the United Kingdom is 925,764; against whom ought to be set 200,000 soldiers and sailors who are absent from the country, leaving a preponderance of more than 700,000 women over men. I know how that fact may be used against this measure. It may be said that women form the majority in this country, and now you are about to hand over the representation of the country to them; but I deny the truth of that proposition, because all that you will do by this Bill is to complete your household suffrage system. I find that of the total female population about 487,000 are widows, who having no man upon whom they can depend for assistance and protection have to earn their own livelihood, and have to rough it in the world and to maintain families left to them by their husbands who are dead. Going through the list of trades in which women are engaged, I find that the number of women so employed is about 2,500,000, not existing under the ideal conditions of which we have heard, but having to maintain their own in their unequal struggle, sometimes the cruelly unequal struggle for bread for themselves and their children, against the stronger sex. I find such figures as these—women who maintain themselves by working in the various textile manufactures, 517,000; school teachers, 94,000; shopkeepers, 18,000; and farmers and graziers, 24,338. I wish to ask the House how, having already household suffrage in the boroughs, and it looming in the not very distant future for the counties, we can admit every labourer in the country to the franchise, and yet shut out from it these 24,338 women farmers and graziers? Of about 6,000,000 of women some 3,000,000 are supposed to remain at home as daughters and wives, 1,000,000 partly support themselves, and 2,000,000 are engaged independently in supporting themselves. These are facts which to my mind are entirely inconsistent with the theories and the *a prioris* on which hon. Members oppose fundamentally any proposal of this kind. But we have been asked, and it is a fair question—"What will this measure lead to?" Well, I do not pretend to be philosopher enough to tell you. But I will put another question, instead of

answering that—"Can you tell me what will your persistent resistance to this measure lead to if you succeed?" To me it appears that the future place of women in political and social life is not the question we have to determine to-day, and that whatever conclusion we may arrive at will not exercise much influence upon the ultimate solution of this question. By opposing a moderate measure of this kind hon. Members may precipitate the results they apprehend; they will not prevent them if they are coming in the great order of events, but in any case I have no fear but that Nature's laws will assert themselves however Parliament may legislate, and that the great distinction between the sexes will be on the whole preserved and maintained. We are told that the lodger franchise presents a difficulty, but the lodger franchise is but an insignificant part of this question. In the cities and boroughs of England and Wales the number of persons who vote as occupiers of houses is 1,280,000, while the number of lodgers voting is only 5,257. The number of female lodgers would be still more insignificant. The number of male persons voting in Ireland as occupiers is 43,000, and of lodgers only 774, who principally reside in Dublin. In Scotland the number voting as occupiers is 161,750, and of lodgers only 76. Under these circumstances the lodger franchise for women is utterly insignificant, and I am perfectly willing to abandon it to the tender mercies of the hon. Members who oppose the Bill. Then as regards the other point as to the Proviso which was in the other Bill excluding married women from the franchise, I am at least bound to say that the hon. and learned Member has been well advised in omitting that Proviso from the present Bill, for in doing so he acted to some extent on my advice. Should, however, any reasonable doubt be entertained as to the possible effect of the measure with respect to married women when the Bill gets into Committee, I shall have no objection to words being inserted which shall remove all doubt, and shall exclude married women from the franchise. In conclusion, I say that the object of the Bill and of its promoters is definite and clear. They do not introduce a measure which is to be a stepping-stone to anything else, but they seek to confer the franchise upon a portion of a sex which they

believe would be virtually and effectually represented under this Bill. I believe it to be untrue that it will be no satisfaction to the claims which women make, because its practical result will be to lead the Legislature to the study of the subjects that interest women especially; and lastly, I submit the Bill to the House on the ground that it is a corollary of the principle and object of the legislation of 1867, and that it will make household suffrage a fact as well as a name. It will confer the franchise on the head of the household, upon the bread-winner, whether a man or a woman; and if the House passes this Bill there will be a prospect for the first time of getting upon that firm and stable ground and basis which the House sought to arrive at in the legislation of 1867.

MR. BERESFORD HOPE: The right hon. Gentleman (Mr. Stansfeld) who has just spoken with an ability and fairness for which I compliment him, has asked a question, and I will give him an answer. Hitherto, England has followed, like other civilized countries, the law of Nature, the rule of Providence and the order of the human race, created as it is, male and female. Following that order we have advanced in civilization, in liberty, in education, and in power, with a persistence that will keep us in our place among the other nations. If we give up that which makes this persistence possible we shall drift into an unknown future of mere theoretical philosophy, and all our old advantages, all the great treasures of political and social wisdom which we have garnered up will be staked on the hazard of a crude experiment. That is my answer to the question of the right hon. Gentleman. I was interested in the only two speeches as yet made for the Bill—those of my hon. and learned Friend the Member for Marylebone (Mr. Forsyth) and of the right hon. Gentleman, for I was struck by the very different ways in which they tried to grapple with the same bewildering fact—that the Bill before the House was, in reality, a proposal just not to do what sweet, though resonant, voices out-of-doors have called on us to carry out. Cloak as you may, phrase it as you please—"look on it with ridicule" was, I think, what my hon. and learned Friend had to say of the idea of women

sitting here—clothe it if you like in philosophical generalizations, as the right hon. Gentleman opposite did, the fact remains that the outside cry is for the enfranchisement of women as women. The nostrum which we are here told to swallow is the enfranchisement of the householder, if that householder should happen to be a "miss" or a "widow;" and the disfranchisement of the householder who has the good fortune to be a wedded wife. Those two proposals are diametrically and irreconcilably opposite, and how do the two hon. Gentlemen and their speeches respectively deal with the difference? I must give the palm of courage to my hon. and learned Friend on my left (Mr. For-syth); for when he had to face it he simply took a flying leap over it. Every word he said appealed to us to accept a bold and consistent proposal, and having thus argued, he called upon us to support the narrow and inconsistent makeshift. He rode off upon "the interests of women, which have been for centuries neglected," "the domination of the strong over the weak," "women's sphere according to political arithmetic;" then he spoke of "women farmers;" he next went to "Bridgwater;" then he came to the "Hard battle of life," and the "Ballot Act," and at last he reached "vaccination," and the transmigration of men into cows. Here I must stop for this cow of my hon. Friend jumped over rather too high a moon for me to follow. All this was a very grand prelude to what from his own arguments approved itself to be a very small measure. The right hon. Gentleman opposite (Mr. Stansfeld), however, perceived the logical difficulty in which the hon. and learned Member for Marylebone had involved himself and he constructed an argument which, as a specimen of ingenuous and fantastical Conservatism, I think is one of the ablest I ever heard. When we passed the Reform Bill a few years ago, we accepted household suffrage as a sort of rough-and-ready way of reaching a sufficient constituency and yet one that should not be too large. We had an unlimited household franchise in boroughs and what was a practically limited household franchise in the counties, and we had a certain number of lodgers thrown in, I suppose by way of ballast. Upon this the right hon. Gen-

tleman has constructed his theory. He implied that our idea of things as they are was too ideal and too pastoral. I really must appeal to him to say whether there could conceivably be anything more ideal, or more beautifully pastoral, than his own theory of a constituency as composed of a number of houses, each constituting a household, the head of which was to have a vote, while the residue of these households, and all the unhappy waifs and strays of humanity, who have no hearth which would give them the right to speak of their own households, are to accept this revival of the old patriarchal ideal in the shape of a country governed by a constituency of householders. All I shall say of his theory is, that I would we were in the primitive and innocent condition in which such a system would give contentment. But how does he apply this directly to the present case? He says that virtually you enfranchise all womankind, because you enfranchise the woman householder. How does he arrive at this point, that the women you enfranchise are the women householders? He says you enfranchise the single women and widows; but he then sees the weakness of his case, inasmuch as the single women you would enfranchise would more likely be lodgers than householders, and he produces figures to show that the lodger voters in this country are so small a number that they might be struck out of the equation, and need not give us any further trouble. The right hon. Gentleman offers this statement as a reason why we should admit to this lodger franchise a class of persons who, on the other hand, are represented as being an enormous infusion of additional political power. He tells us that the men lodgers at the present moment are so few that we need not be afraid to let in the many women who would get votes under a women-lodger franchise. But how are these women lodgers to be brought into the general argument? How do you range them as in any way possessing a good household character? You can only create such a character or condition by letting in the widows. I grant that there the argument of the right hon. Gentleman may have something in it; but what does it lead to. Why, that a woman, when she enters into a contract of marriage, is to lose her political status, and

that that political status is only to revive on the condition of her having suffered the greatest of all domestic and social calamities. What, I ask, can be so ridiculous as this? A woman, so long as she is a spinster, is to have the franchise. She performs the greatest and the highest duty a woman can undertake, and the fulfilment of that greatest and highest duty is to deprive her of her political privilege; but this political privilege is to be revived if the performance of her highest duty is cut short by the visitation of Providence—by the loss of the bread-winner—by her being reduced to that condition of comparative helplessness which the widow must inevitably fill as compared with the married woman. But here I must ask, how long will this ideal householder condition last? How long will the married estate in all its aspects—not merely religious or social, but also political and legal—continue as it is now, under such a distortion of logical considerations. At present the husband is the master of the house; he manages the household; his is the strong arm, and therefore his is the guiding hand. If you once make the condition of marriage to the woman a political stigma and the loss of her antecedent citizenship, how long do you believe that condition can be maintained, supposing that women's enfranchisement is valuable, as we are told that it is? Assuming that cry for this enfranchisement of which we have heard, but which I do not believe, and in proof of which no facts have yet been produced, how long do you suppose, if women have to choose between coverture and the franchise, that they will allow the present relations of husband and wife in the common interest of their family to exist when the price that is paid for it is, as the right hon. Gentleman would lead us to suppose, that of political degradation? There are many more things that will be thrown into confusion by this Bill, should it pass into law, than the mere relations of Parliament and the constituencies. There is much more in this matter than the mere question of whom we shall have sitting on this bench and who shall sit upon that. These are mere trifles compared with the complete revolution which the measure, if successful, must import into all the social relations of life. Then, again, look at the theory

of the right hon. Gentleman, that the whole of the rest of womankind of this country would consent to be represented merely by the spinsters and the widows. The spinsters and the widows no doubt are as well informed and as fit to vote or to sit in this House, or to take the chair at public meetings as the married women of the country; but they would be a fantastical—they would be an accidental representation of their sex. And what is it that has been at the bottom of all right reform and of all wrong reform, of all the claims for redress that have had something in them, and of all those claims for redress that have had nothing in them at all, but this one cry of "inequality"—this one plea—that the enfranchisement of this class, the privilege of that class, the disqualification of the other class has been the result of accident and not of reason? If anything could be a disqualification of accident and not of reason in the case of women, it would be the disqualification of having succeeded in getting married, and if anything could be a qualification of accident it would be that, when they had succeeded in getting married, the heavy blow of Providence has deprived them of their protectors. That loss they would be comforted for by getting a vote—a ballot paper for a husband! Such are the doors which, by this Bill, are to open and to close to womankind their political privileges. The whole thing is so utterly fantastical and unreal that I am very much surprised to find persons endowed with the known intellect and ability of the right hon. Gentleman attempting to found any argument upon it. My hon. and learned Friend (Mr. Forsyth) did not attempt to face the question. He simply slurred it, and was wise. As far the idea of ladies not wanting seats in Parliament is concerned, how will the right hon. Gentleman meet facts? A number of ladies held, on one occasion, a counter debate to ours when a similar measure was before the House two years ago, at which speeches were made, which were more or less effective against the Bill, a distinguished female orator being set up to answer each particular speaker, and I have a ticket for that meeting in my hand. It is headed "Women's Suffrage," and says—

"A public meeting will be held in Hanover Square Rooms on Friday, May 10th, which will

be addressed by ladies, in reply to the speeches delivered in the House of Commons against the second reading of the Women's Disabilities Bill."

Then follow the names of the ladies; but I will not read them to the House. "The chair to be taken at 8 o'clock by Dr. Lyon Playfair, M.P.;" I merely say that if this took place only two years ago, not many yards out of the borough of which my hon. and learned Friend (Mr. Forsyth) is now the distinguished Representative, he need not be so sceptical or contemptuous of what may happen in the not very distant future should this measure be allowed to pass. The fact is, that this question of women's suffrage has, in the eyes of some advanced Reformers, taken a somewhat ugly prominence of late. Let the franchise be enlarged or let it be kept where it is—let it be enlarged on the principle of a wide but still a limited franchise in the counties, or let it go on to universal suffrage—whatever shape it may take the woman's question has got in, has intruded itself, and has taken possession of the field. If you vote for this Bill in any shape you make it impossible that in any future extension of the franchise, the women and the men should not march *pari passu*. I hold in my hand a report of a meeting which was held on the 15th of last month. It says—

"Yesterday a meeting of the Committee of the National Society for Women's Suffrage was held for the purpose of receiving a deputation from the Adult Suffrage League, the object of which was to acquaint the first-mentioned society with the difficulty, unpopularity, and prejudice which arose when working men, agitating for an extension of the suffrage, attempted to introduce and sustain the claim of women."

It was, in fact, an appeal from the men's men to the women's men to be a little more manly in support of their principles, and to balance the difficulty they were creating by affording some direct help to universal suffrage. Accordingly, certain eminent members of the Universal Suffrage Society appeared to meet several distinguished advocates of women's suffrage. The chief spokesman of the women's party was a gentleman who is well known as the most eminent living philosopher who has attempted to grapple with the subject of the franchise, and I am sure when I mention Mr. Hare the House will appreciate the weight and authority attaching to anything he says on the

question, whether we may happen to agree with him or not. Mr. Hare, who, as I have said, was their spokesman, speaking on behalf of the Women's Suffrage Society, said that—

"It had recognized with the utmost satisfaction the higher principles which had been adopted by the Adult Suffrage League, in submitting the claim for a franchise unrestricted by sex, in place of the comparatively poor and selfish, and, he hoped he might say, worn-out cry for 'manhood suffrage.'"

I hope my hon. and learned Friend (Mr. Forsyth) will see what very strong supporters he has a little in advance of the movement in which he is engaged. I will not trouble the House with the whole of Mr. Hare's speech, but according to the report I have here of what took place, he was converted to universal or manhood suffrage plus women's suffrage, and he says—"Will there be an educational test? If a sufficient test of that of that nature were adopted he should personally be ready to join the League." Mr. Hare's speech seem to have given very general satisfaction. Two gentlemen who represented the Adult Suffrage League—Mr. Smith and Mr. Ship-ton—

"Expressed a doubt whether if the more popular demands of manhood suffrage were adopted, they would not obtain more present support, but acquiesced in the view that the true policy was always to insist on the principle which was abstractedly the most just and right."

Those two gentlemen, whose names I never heard before, and Mr. Hare, whose name must be familiar to every student of political science, shook hands together over the real universal suffrage of every man and every woman, and this took place only about three weeks ago. I have just read these extracts to the House, in order that the House may appreciate for itself what it is to which we are tending. It may be right, as the right hon. Gentleman opposite thinks, to enfranchise women; but if they are to be enfranchised, the narrow, fantastical limitations of this Bill are mere rubbish. "The voice may be the voice of Jacob; but the hands are the hands of Esau." The rough demand for manhood suffrage and for an equally general women's suffrage will soon follow, and when that has been attained, the happier, better, and more beautiful half of human nature will not long be satisfied with meeting in Hanover Square Rooms and answering our

Mr. Beresford Hope

speeches from the outside of this House. It is upon these grounds, Sir, that I shall certainly give my support to the Amendment.

Mr. O'SULLIVAN said, he had listened with particular attention to the debate on the question before the House. As it was a matter on which he had not had his mind fully made up, he was not pledged to the promoters of the Bill; neither was he promised to the opponents of the Bill—therefore any remarks made by him on the question were quite free from bias or prejudice of any kind. He had heard a good deal in favour of the Bill; and, on the other hand, he confessed he had not heard a single argument against it which should warrant him in opposing its further progress. He should say he considered the arguments brought forward against the Bill weak and impotent. One hon. Member had told the House that women were not fit to be Members of Parliament, and should not be allowed on any terms to enter that House. Well, that argument he would call a mere ninepin, which was put up simply for the purpose of knocking it down again, as the promoters of this Bill did not even ask for such a measure. If they did make such a demand, they would find an opponent in him, as well as in the hon. Member who opposed the Bill on those imaginary grounds. Another hon. Member had opposed the Bill, on the ground that it would take up the time of women, and distract their attention from their household work. Well, all he need say in reply to that argument was that, under the Ballot Bill, polling-places were now brought to the doors of electors, or, at furthest, within an hour's drive of every elector; and when they recollected that electors were not called on, on an average, more than once in seven years to make use of their privilege as electors, then, all he would say was, that if a woman made good use of her time during the remainder of the period, her household could well afford to spare her one hour in the seven years to devote to the interests of her country. He merely illustrated those things to show the absurdity of this part of the opposition given to the Bill. He would now deal with what seemed to be the real and substantial opposition to the Bill—that is, that being women they should not possess votes—that they belong to man.

He could well understand this argument, if they enjoyed the same electoral law as was enjoyed by the subjects of either France or America, for in those countries it was man and not property that was represented. But what was the state of things in this country to enable any hon. Member to make use of such an argument? Was it not a well-known fact that if the greatest statesman that ever lived, the bravest general that ever led an army to victory, or the most brilliant orator that ever adorned the pages of history were to live in this country, or if the three were rolled into one, he could not vote for a Member of this House unless he occupied a certain amount of property in houses or land? Therefore it was property that voted in this country, and not man. They honoured property far beyond man. If John Brown lived in this townland, or that street, and occupied houses or land value for a certain amount he voted for a Member of Parliament, not because he was John Brown, but because he represented so much property. Then, for the life of him, he (Mr. O'Sullivan) could not see why it was if Mary Smith held land or houses in the same street or townland, and had no husband, father, or brother to represent her, she should not be allowed to vote out of her property as well as her neighbour. Then, again, in this respect their laws seemed completely out of joint. They allowed women to vote for Poor Law guardians; they allowed them to vote for municipal councillors, and they allowed them to vote for members of school boards; yet they refused to allow them to vote for the men who taxed their property as well as the property of men, and who made laws to which women should be subject, though she had no voice in the making of those laws. Then, again, their laws were quite inconsistent in this respect. That property had many rights in this country was admitted, and among those rights was the right which it gave to the party holding it to vote at elections. Then, if they continued this bar against their voting out of the property they held, to make their laws consistent they should pass a law to debar women from holding property at all. It was clear they should pass such a law if they continued the present state of things. Before he concluded he would appeal to them, as a body of honourable men who

represented the feelings of the people of every class and creed, not to be so narrow-minded or jealous as to oppose this measure of justice. It was simply the weak appealing to the strong to grant them a small boon, to which they were justly entitled. Would the strong refuse that right to the weak, and have themselves branded as unjust, unfair, and unmanly? He asked them for the credit of that great Assembly, and for the credit of the position they occupied, to pass the second reading of the Bill.

MR. NEWDEGATE: Nothing, Sir, is more remarkable in the advocacy of this Bill than the anxiety displayed by the hon. and learned Gentleman the Mover and the right hon. Gentleman the Member for Halifax to avoid any discussion of the issue this measure really raises. The terms of the Bill are clear enough. The House is asked to sweep away the limitation of the franchise as between the sexes, which not only the laws of this country, but the laws of the whole civilized world preserve. The right hon. Gentleman the Member for Halifax was shocked at the audacity of those who ventured to discuss the Bill as it had been printed and placed in their hands. The hon. and learned Mover of the Bill declared that it did not contain a Proviso against the enfranchisement of married women, which ought to have been inserted, while the right hon. Gentleman the Member for Halifax explained that this Proviso had been omitted at his instance, and that he repented the omission. The right hon. Gentleman is known to have taken a great interest in the affairs of Italy, and to glory in the enfranchisement of the Italian people; but, in Italy, although women are permitted to take part in matters of Parliamentary Elections, there is a positive limitation to their action — they are compelled to vote through the intervention of male delegates. In this limitation, there is a recognition of the law of Nature, that man shall go forth to warfare and to labour, supported by, but for the sustenance of woman. The right hon. Gentleman admired that arrangement for Italy, but proposed nothing of the kind for his own country. And then, forsooth, the right hon. Gentleman is shocked because other hon. Members in the debate urged that the tendency of this Bill was towards the universal and direct enfranchisement of

women. You must not, exclaimed the right hon. Gentleman, speculate upon the future consequences of the passing of the Bill; it is a small measure, and will not confer the franchise upon many women; and yet he has argued the production of this very Bill is the legitimate consequence of the passing of the Election Act of 1867. He describes this Bill as the complement to the Bill of 1867, and yet seems outraged, when others calculate the inevitable consequence of the admission of the principle which pervades this Bill and tends to universal suffrage, not among men only but among women. The hon. Gentleman sought to perform the part of a very Nahash by the House. But the truth is, that the advocates of this Bill have been labouring assiduously, by the suggestion of fictitious limitations, to be hereafter, as they say, introduced into the Bill, to grind the edge of this wedge as thin as possible, that they might have a better chance of introducing it for the severance of the institutions of this country. As often happens on Wednesdays in this House, numbers of hon. Members, who have been employed or amused elsewhere, during the previous hours, are now entering the House, in total ignorance of what has passed here. They have not heard the able and exhaustive speeches of the hon. Member for Mid Lincolnshire (Mr. Chaplin) and the hon. Member for Huddersfield (Mr. Leatham), which ranged over the whole question. They arrive here, full, perhaps, of preconceived notions, for the mere lees of the debate. There is a natural and almost honourable repugnance to refuse anything any section of our fellow-countrymen, however misguided we may think them, may ask of us. The hon. and learned Member for Marylebone, however, in moving the second reading of this Bill, commented upon my opinion that this is a revolutionary measure. I consider this Bill revolutionary, nay, Socialistic in its tendency; and when I assert that, I do not rest my assertion merely upon my own authority. I have the authority of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), who is not considered a timid legislator, for this opinion. What said that right hon. Gentleman, after this Bill had been introduced in 1870 by Mr. Jacob Bright, and the Bill then contained the Proviso,

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which is now omitted? The right hon. Gentleman then declared—

"I must say I cannot recognize a necessity or a desire for this measure, which would justify such an unsettling, not to say uprooting, of the old landmarks of society."—[3 *Hansard*, cci. 620.]

I am not, therefore, isolated in the opinion that this is a revolutionary measure. But we have now another authority. Mr. Goldwin Smith, in the able pamphlet he has recently published, declares a similar opinion. Mr. Goldwin Smith is a convert. He tells that before he went to the United States, he signed a Petition in favour of the Bill; but what he saw of the public conduct of the women in the United States, who desired to possess the franchise, and had not spared to attack the inviolability of marriage, had induced him to send us a warning from the United States; he tells that the power of divorce is so wide in several of the States as almost to have dissolved the most sacred of human institutions. Am I not, then, justified in suspecting a measure as Socialistic, which in the United States is the favourite project of a Socialistic school? The hon. and learned Gentleman the Member for Marylebone says that the scheme for the political enfranchisement of women is making progress in the United States. I do not believe that to be the case. I believe that the manly intellect of the American Republicans will, for the sake of their institutions, preserve the limit which confines the political franchise to men. Mr. Goldwin Smith has sent us this warning, and yet the hon. and learned Gentleman styles himself a Conservative, and would have us accept this measure as of a Conservative character. It seems to me that the hon. and learned Gentleman spoke lightly of the marriage laws, while he inveighed fiercely against the laws which regulate the property of women; he spoke of the laws of this country as harsh and unjust to women. Let me ask him whether this House and Parliament have not of late years given much attention to this subject, whether the law has not been amended in respect of the property of women? The hon. and learned Gentleman knows that Parliament has attended to this subject, and the laws regulating their property have been amended. Then may I not assert that this House needs not in this respect the enfranchisement of women, nor the introduction of female

legislatresses into this House to teach us our duty towards their sisters? This Bill casts an unjust reflection upon the conduct and intentions of Parliament; but I will admit that this House and Parliament have, in some respects, been slow in providing legislative protection for women. The House has been dilatory in considering the laws, which in all other countries have been enacted for the regulation of Conventual Institutions and in the adoption of some analogous provisions. [*Laughter.*] Will the hon. Gentlemen who seem inclined to treat that circumstance with derision, deny that laws regulating Conventual Institutions exist in all or in almost every European State except the United Kingdom? There are, it is true, no such laws in the United States; and may not that account for the Socialistic disposition manifested by some of the American women?—the progress of which seems to commend itself to some of the advocates of this Bill. Is the House prepared to pave the way for the adoption of universal suffrage, and that peculiar kind of universal suffrage which would include women? And yet, to me, it seems that if the House is not prepared for such a consequence, it ought not to annul that limit of the franchise which, as yet, is of universal application among the civilized nations of the world; that limitation which is founded upon the distinction between the functions, the duties, the relations of the sexes, which has existed since the creation of man. It is because this Bill would invade that limitation thus founded that I denounce it as a revolutionary measure. The right hon. Gentleman the Member for Halifax felt this, and was too candid not, in some degree, to admit the force of it. He repentantly promised to restore the Proviso excluding married women as already represented by their husbands. And he suggested another most anomalous limitation; he said that he would make these unmarried women or widows voters, but he would support a prohibition against their becoming candidates for seats in this House. Can any proposal be more anomalous? No; if we are to sweep away this natural limitation against women taking a direct part, politically, by voting at elections, the new limitations you may invent, or have invented, resting upon weaker foundations, will all be swept away. It

had been argued that, women having been admitted to the exercise of the municipal franchise, therefore they ought to be admitted to the franchise for electing Members of this House. Is there no distinction then, between the functions of a municipality and the functions of an Imperial Legislature? The fact is well known that women had been admitted to the possession of the municipal franchise through an accident, and not by the deliberate intention of Parliament. I admit that women have long exercised the franchise in parochial matters, and that it has a sanction which I would on no account ignore; parochial matters, however, are matters, so to speak, of family economy, different from the subjects which most occupy the attention of an Imperial Legislature; they relate to the care of the poor, the care of the sick, the care of the roadways to our homes; matters which belong to women as well as men; and this has been recognized ever since the time of Queen Elizabeth, who, if ever woman could, might be trusted to understand the capacity of her own sex. The House must beware of these proposals, then; for they emanate from a school which deifies the principles of equality. The measure may commend itself to the approval of those who will be satisfied with nothing less than a dead level of democratic equality, and to those who prefer the equality of subjection to a despotism. For my own part, I believe that the misguided ladies who are so urgent in demanding this Bill, are prompted by those, who entertain ulterior views and objects, and that the great mass of my countrywomen carefully abstain from lending their sanction or voices to this cause. I trust, that the House will not shut its eyes to the vast consequences that are to be apprehended from the passing of such a measure. The House is told that it is a proposal to enfranchise 300,000 women; and is it for the sake of enfranchising 300,000 women that we are called upon to break down the limitation of the franchise which rests upon the great natural distinction existing between the functions and relations of the sexes, upon which alone we can hope the limitation will rest surely, as it had rested safely for centuries, corresponding as it does with the limit which divided the duties of men and women? I will not further detain the House,

Mr. Newdegate

though I might quote evidence from the speeches of Mr. Bouverie, who showed, step by step, that this movement had its origin and growth from the disciples of Mr. Robert Owen, the well-known Socialist of the earlier part of the century. I might show the connection of this movement with other Socialistic movements that have of late years taken place until it has assumed the form in which it is now presented to the House; in the shape in which it comes before the House, this proposal casts an unworthy and unjust reflection upon the conduct of the House and of its Members—upon our feelings as men and as Gentlemen, this Bill ought to be rejected as embodying a most unworthy reflection upon the views and intentions of Parliament.

MR. JACKSON said, that after carefully reading the Bill, he had come to the conclusion that it would, in certain cases, confer votes upon married women. Therefore, if it should pass its present stage, he would feel it to be his duty to propose the insertion of words in Committee which would place the intention of the House to restrict the franchise to qualified unmarried women beyond question. The question, he could not but think, had been debated in too high a key. The point they had to decide was, whether those women who satisfied the definition of a qualified voter with regard to men had made out a case to be admitted to the franchise, notwithstanding that they were women. With the exception of the hon. Member for Mid Lincolnshire (Mr. Chaplin), in his splendid speech, every hon. Member who had spoken against the Bill had avoided that question. In language more or less eloquent or fanciful, they had dealt with a different state of things. In spite of the disclaimer of the hon. and learned Member for Marylebone (Mr. Forsyth), and his right hon. Friend the Member for Halifax (Mr. Stansfeld), hon. Members had persisted in seeing nothing in the Bill but a first step to the conferring of the franchise upon all women, co-extensive with the granting of manhood suffrage. But there was no such proposal before the House. Such a dream might be entertained by certain political philosophers; but it had never been clothed in the language, or assumed the form of a practical political question. If it ever did, the House would know how to deal

with it. The whole argument against the Bill amounted to this—that the Bill meant something different from what it said. In point of fact, the Bill was meant to confer upon certain persons who happened to be females, the right which they would have but for their sex; and the only answer that could be given to that claim was that which had been candidly offered by the hon. Member for Mid Lincolnshire—that there was in women, either by Divine ordinance or from the habits of mankind, some personal disability unfitting them for the exercise of the franchise. But was that true? Experience answered in the negative, because women now exercised an inferior franchise, and there was no inherent difference between the inferior and the superior. The hon. Member said that the experience of mankind, from the creation down to the year 1875, had been the other way; but, at the same time, he admitted that the experiment now asked for had never been tried. When, then, was the argument based on experience? Surely, the Bill was only one more step in the series of legislative measures which had characterized the political movements of the present generation. Parliament had first dealt with the claims of the middle classes, then of the working classes in towns, and was now considering the claims of another grade of the working classes. Why should they now refuse the full rights of citizenship to women who were qualified to exercise them within the limitations imposed by the Bill? To that question no satisfactory or conclusive answer had yet been given. On that ground, and because he adopted the view of the right hon. Gentleman the Member for Halifax, that this concession would establish the principle of the finality of the household as the basis of the suffrage, and would thereby strengthen one of the standpoints for resisting the wave of democracy, that he thought the House would do wrong to read the Bill a second time. But they were asked—What was the object of the measure? They were told that Parliament was always ready to redress grievances, and to a great extent that was so: but he did not think that those who supported the Bill were called upon to show that any immediate or radical result would be the outcome of the Bill, if it were

passed. It was enough to say, as he, for one, conscientiously believed, that the result of the contemplated addition to the voting power of the country would be almost entirely for good. If they compared the class of women who would be admitted to the franchise with the same class of men voters among the humbler classes, the comparison would be in favour of the former. So far from being a source of danger, the Bill offered a guarantee for safety; and, above all, it would afford a lever which would assist in obtaining for women that open career and means of obtaining their livelihood for which their dispositions and talents fitted them, and which he believed was the object most aimed at by those most intelligent women who mainly supported the agitation. They had seen how the cause of education had been advanced by women, and he believed that they would, in perhaps a small degree, but still appreciably, find the capacity of women for benefiting the State enlarged if they conferred upon them the privilege for which they now asked.

SIR HENRY JAMES: I should have preferred, for several reasons, to have taken no part in this debate; but my hon. and learned Friend who introduced the Bill referred to me so frequently and pointedly in the course of the speech in which he submitted the measure to the House, that I trust the House will allow me very briefly indeed to occupy their time, while I state the reasons for the opposition which I have hitherto given to this measure, and to vindicate the vote I am now about to record against it. Before discussing the effects of the Bill, it will be well for us really to know what are the provisions contained in it. There are in it some words, few in number, which have been clearly and distinctly printed in plain ink, which we can all read; but a great deal has been printed, too, in invisible type, which causes it to be necessary to hold the Bill up to the light, before those words can be clearly read. Even as the Bill stands, it is clear my hon. and learned Friend was the subject of a deception, when he yielded to the request made to him to remove the proviso he inserted in the Bill last year, in order to carry his intention, not to give the franchise to married women, into effect. I fancy there was somebody who knew more

about the effect of that removal than he did, for, if he will look at the Representation of the People Act, he will find that by the removal of that Proviso, every married woman having property to her separate use will be enabled under the Bill to exercise the county franchise. He will find that every married female lodger, whether separated from her husband by an express judicial decree or by agreement, so that her occupation as a lodger becomes a *bond fide* occupation, will be entitled to vote. My hon. and learned Friend admits that he had no such intention in removing the Proviso. How those ladies! who knew its effect must have laughed—

“Oh! the good man, he little knew
What the wily sex could do.”

It is not, however, evils like these which can be remedied in Committee that I stop to point out; it is the consequences of the Bill which I would ask the House to consider before they sanction it. We have heard to-day from my hon. and learned Friend and my right hon. Friend (Mr. Stansfeld) a doctrine which I would ask the House to weigh. We have been told that we are to look only to the immediate consequences, and not to the ultimate effects of the measure. What manner of statesmanship is that? It will be not only my protest, but the protest of every Member of this House, that we bear the responsibility of looking to the ultimate results of every measure that we pass. Is it to be said that the man who sets the stone rolling at the hill-top is not to look to its effects in the valley—that, because the stone has been moved, and met with nothing in its first motion, we are not to consider its ultimate destination? On the same principle, when the municipal franchise was granted in 1869, without consideration, without even the knowledge of nine-tenths of the Members of this House that it was being granted, we should have been told then, if the matter had been discussed, that we should look only to the immediate consequence, that it was only to confer the municipal and not the Parliamentary franchise; but how is it used against us now? This argument has been employed to-day, and it has made converts—that as you conferred the municipal franchise on women, can you deny them the Parliamentary? There is as great a distinction between the two as there is between married

women and single. On what principle is it that you who have spoken of the weaker sex, have introduced a Bill to confer this right on single women, and refuse it to married women? Is it right and politic to tell a woman who desires to bear her part in political life, that if she marries she shall lose her right? Are you to give that right to a woman who has not the power of consulting with a husband, and refuse it to a woman who receives that counsel and experience? It stands now as a natural consequence of the Bill, and I have a right to argue upon its natural consequences, and to ask whether you mean to give full and equal electoral rights to all women? I do not know whether that is the intention of hon. Members who support the Bill—I know it is not the intention of my hon. and learned Friend, because he has said it is not; but the fact remains that, let this Bill once pass through his exertions, and his wishes then would have but little weight as to its ultimate effects with those who support him. Let me quote a greater authority even than my hon. and learned Friend. It is a letter written on the 4th April last year, shortly after the introduction of his Bill, signed by a lady bearing for many reasons an honoured name, “Ursula S. Bright,” and one who has a right to speak on this subject. She said—

“Some of us would be glad to know on what grounds Mr. Forsyth proposes to exclude those married women who have freehold property or other qualifications for exercising the right he wishes to confer on unmarried women in the same position. The various societies for women's suffrage are united for one object, which is to obtain for women the right to vote for Members of Parliament on the same conditions which entitle men to vote. Mr. Forsyth's Bill, therefore, does not meet their case, and unless suitable Amendments should be carried in Committee, the agitation will go on after the Bill is passed, without any more interruption than will be necessary to enable the societies to congratulate each other on their partial success.”

Now, that is a pretty fair declaration of war on the subject; and after reading that, and looking to the natural consequence of passing the Bill, need I trouble the House by answering the statements of my hon. Friends when they say—“Be blind as to the results; read its four corners only, and do not trouble?” Let me take the four corners as it stands, and what is the result? If you pass this Bill, when the time comes,

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which many hon. Members—especially on this side of the House—anticipate, when the property qualification necessary for exercising the franchise will be abolished, and when every citizen of the State will have a right to take part in electing those who govern, we must let women have an equal share with their husbands in the franchise, and give them the same full electoral rights, and under such circumstances those who support universal suffrage must either be prepared to postpone it indefinitely, or to admit women to that equal share. There are, as we are told, upwards of 900,000 more women than men in this country. It is not, probably, too much to say that 500,000 more women than men will be put upon the register, and under those circumstances how is this nation to be governed and to endeavour to hold its own among the nations of the world? As to the flimsy protection the property qualification would afford, there are many hon. Members on both sides of the House who are anxious to alter the law affecting the right of married women to hold property; and I will say, let that law be altered as you desire, and let married women have the same right to property as men, and they also will get the right of voting without one word being added to our Statute Book. Such being the effect of the measure, it is admitted to be a great and a radical change. I do not tarry here to talk of the “burden of proof.” That is a lawyer’s term, and is not worth consideration here; but if this alteration is to be effected, we ought to be quite certain that it will do good. I will refer shortly to the arguments mentioned this afternoon. The word “right” has been used more than once, and there have been allusions to the right of property and to the right of individuals. Can we seriously say for one moment that there is a right in property to be represented? We shall go back to the old saying used long ago, that it is the house which holds a man and not the man who holds the house that has the right to vote. If, then, you do not say property is to be represented, you come to the question whether a woman has an absolute right to claim the franchise. On what terms? She can claim to be a citizen only, if she is willing to bear the burdens as well as accept the advantages of the position. As was said in that most able speech of

the hon. Gentleman the Member for Huddersfield (Mr. Leatham)—delivered, I am sorry to say, when the House was not quite so full as it is now—when you are discussing the question of a woman who says—“Give me this, because I demand it as a right,” you must ask if she is content to be classed on an equality with men. What are the primary obligations of citizenship? Will women accept the first and very natural one of enrolling themselves in defence of their country? Are they willing to accept a conscription, if one should be enforced in case of the invasion of the State? Are they willing to assist in maintaining internal peace by acting as special constables? Are they willing to sit on the magisterial bench? Are they willing to accept the obligation of jurors? If they admit, on the one hand, their inability to bear these burdens while they say, on the other, “Give us equal rights and privileges,” surely their claim of right cannot be supported, and they must make it on other grounds. But, abandoning this claim of right, you say that it is well for the State that this should be. How is it to be supported? It is an exceptional question, and it must be supported by clear argument that the State would be benefited. I have heard to-day much that appears to me to be a concession—in, for instance, the admission of women’s inferiority for a political career. It is only carrying out that which has been said, strongly enough, by my right hon. Friend, as to the view of Nature. It is only carrying out the mere corollary of physical weakness under which for some purpose Nature has assigned that women should suffer. I know that in the work of Mr. Mill there is an argument addressed very much to the point that there ought not to be a weaker sex. That question, however, I must decline to enter into. It is, in fact, too late to argue whether there ought to be a weaker sex or not, and therefore hon. Members must excuse me if I do not engage in that contest. They must argue, not with me, but with Nature; and, as Mr. Squeers says, “you will find Nature a very awkward customer to deal with.” If there is this physical weakness—and I presume it is admitted—it cannot be an accident, or the result of training or education. It is a weakness found in the human kind as well as in every other form of animal

life, a weakness that causes us to spare the hind in the forest and the hen in the covert—it is given to women with an object and for a purpose; it is given to them in order that they may adapt themselves to a different description of life from that of men. As has been expressed by one who read human nature, and wrote of it perhaps better than any Englishman who ever existed, where he makes Katharine, at the conclusion of a struggle in which she endeavoured to take the position of man, acknowledge the errors of her ways—

"Why are our bodies soft, and weak, and smooth,

Unapt to toil and trouble in the world;

But that our soft conditions and our hearts

Should well agree with our external parts?"

We need not, however, discuss this consideration further. My right hon. Friend with strange frankness, has said—"I admit women are weaker than men for the purposes of a political career:" it is a political career we are discussing at this moment. If they are not fitted to sit in this House—if, as it is admitted by my right hon. Friend, they are not fitted to take their fair part in the burdens of political life, how do you establish that they are competent to give a vote in the return of Members of Parliament? What is this career of politics composed of? What is that we have to deal with here in the course of our political career? We ask for the practical experience of men. We listen with attention to men in particular professions when they speak on special questions. We ask for men in the Army and Navy to guide us in matters military and naval; we ask for commercial men and lawyers to assist us in other directions; and from every one of such pursuits women are practically shut out, and, to a certain extent, ever must be shut out. When you speak of the unfitness of women for political life it is not because their minds are somewhat different, it is because their habits and instincts prevent them from acting in those particular occupations which alone can give political knowledge. The effect of the Bill, if passed, will be to drive women to consider subjects connected, I will not say with sentiment, but at all events not always with the good government of the people. Were female franchise introduced into France, what would be the question affecting the elections in every

Sir Henry James

department of that country? The question would be whether there should be war with Italy to restore the temporal power of the Pope. As to what would be the question in this country, we need not speculate. We have had practical proof of that. Of all questions more immediately affecting the law, we hear little of women's influence or interest. If the hon. Member for the Border Burghs (Mr. Trevelyan) were to hold a meeting on the county franchise, or the hon. Member for Birmingham (Mr. Dixon) were to have one on the 25th clause of the Education Act, they would find but few women to attend them. But we find that the effect of women only hovering on the very threshold of political life has been that that has occurred now which would not have occurred a few years ago. We find this class of political women willing to lead these "simple maidens in their flower," who we have been told, "are worth a hundred coats of arms," and to go and hear from gentlemen the details of the Contagious Diseases Acts. We learn from their Petitions and their statements that they "thoroughly understand the subject," and know the effect it has alike on the physical and moral health of the community. That is one of the effects of the entrance of women on political life. The question is, whether you would wish to see it extended; and, if so, to what extent, for to what it might lead us no one can tell. The hon. and learned Member (Mr. Forsyth) does not attempt to do so; but he does tell us that it will remedy injustice, and will cause justice now, for the first time, to be afforded to women. What charge is it that the hon. and learned Member brings against us? What is the injustice of which he speaks? Has the hon. and learned Member done his part, if he has not brought forward proof of the injustice these injured women have endured? What proof has he that other hon. Members are not equally inclined to remove their grievances if they only knew them? It is odd enough for him to say that this House is so unjust that women cannot obtain fair legislation for themselves, and at the same time to tell us that, so confident is he in the justice of his case, that he is certain he will carry it by a large majority. If this House is so just as to pass this Bill, it might be relied on to be equally so to remedy these

grievances. May I venture now to say one word in regard to a personal matter, and I beg to apologize to the House for referring to it? My hon. and learned Friend has claimed from me the performance of a promise it is alleged I made some time ago. He claims my vote. I reject his claim: I shall not vote for the Bill; I shall cheerfully give my vote against it. In claiming my vote for the measure, he says that, in the heat of an election contest, I stated that if half the women in my constituency asked me to vote for it, I would do so. The recollection I have of the words I used—though I do not care to raise any question as to what these were precisely—is that I said that if I thought half of the women in the borough—who, I supposed, would be fairly representative of the women of the country—showed themselves in favour of the Bill, I would reconsider my very definite opinion. Now, however, my hon. and learned Friend tells us, that because in a town where there are 8,000 or 9,000 females—the proportion of adults I do not know—a Petition was signed by under 300, I am to vote for the Bill. That, surely, is not the half of the women of my constituency; and I do not recognize that it is a Petition of even 300 women. We have heard a good deal lately about the way Petitions are got up; and when you pay so much for signature, it is an easy matter to get Petitions up upon any subject. My hon. and learned Friend also suggests that I ought not to have referred to the female supporters of the Bill as women who endeavoured to become political successes, because they had been social failures. If that statement gave pain or annoyance to any one, I deeply regret it, and I would even apologize for it to those to whom I more immediately applied it. Let me, however, remind those who have gone through the heat of a Parliamentary Election that they may never have had two ladies dogging their steps and entering after them into the habitations of the electors, and telling their wives that they were oppressed by a tyrant, and that I was one of the oppressors. Under those circumstances, if I did use strong language, I think there was some little excuse for the inadvertence. My hon. and learned Friend has read a long list of aristocratic names—with which he is

better acquainted than I am—and asks if these are the women I want to insult. [Mr. FORSYTH: I did not say "insult."] But surely it would have been an insult, if I had applied the language to them. As I have said, I did not know the majority of the names; but there was one which I did recognize, and as he read it, I could not help thinking he read a strong and conclusive argument against the Bill. I refer to the name of Miss Nightingale, and in regard to her I venture to say that if her early years had been passed in preparing for a political life and her maturer years spent in party strife, Miss Nightingale would never have been the Florence Nightingale she has been to us—that tender ministering woman, "gaining more than a hero's glory, winning more than a statesman's renown." I would only add one word, and that is how earnestly I join in the hope and belief that this subject will never be made a party question. But if it should be, with what confidence might I not appeal to every party in this House. I will ask those who sit on this side of the House, and desire to offer the exercise of a free vote to every citizen on the political action of the country, do they wish to see the franchise given to a class ever influenced by others—dependent upon the counsel whether of clergyman, priest or friend—a class violent in time of outbreak, and timid in the time of panic? If the measure is opposed to the Liberal views of those who desire the progress of the Constitution, with what greater confidence may I appeal to those who, now proud in their majority, have accepted the duty of maintaining and preserving the Constitution, founded and based upon its integrity and strength, and upon that home-life in England which is ever influenced by woman's power. Mr. Speaker, you who sit in that Chair without care of political struggle, and without regarding the success of either party, you whose only object is to regulate the peaceful performance of our duties within this chamber, are but the type and representative of a very great power and class in this country. Between the two great conflicting parties of the State, there are those who are careless alike of which succeeds, which is in power, and which has the greater strength. They merely demand that our laws should be framed by us so

as to preserve them in peaceful enjoyment of their domestic life, and ere this Bill passes into law, with a voice ever clear, because it will express the instincts of a people, they will demand that it should be cast from this Table, lest by the acceptance of it in a fitful moment we should endanger the prosperity of the people and imperil the greatness and stability of the Empire.

MR. FORSYTH said, that being unable to reply at so late an hour, he would content himself, as a lawyer, with assuring the hon. and learned Gentleman opposite (Sir Henry James), that he was entirely wrong in assuming that the measure would enable married women to vote. He had in the strongest legal terms he could use provided against that being the case; but if the Bill was not satisfactory in that respect, he would, if the second reading was agreed to, introduce an express Proviso in Committee.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 152; Noes 187: Majority 35.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for six months.

AYES.

Adderley, rt. hn. Sir C.	Corbett, J.
Allen, W. S.	Corry, J. P.
Anderson, G.	Cowan, J.
Anstruther, Sir W.	Cowen, J.
Antrobus, Sir E.	Cross, J. K.
Ashbury, J. L.	Cubitt, G.
Backhouse, E.	Dalway, M. R.
Bateson, Sir T.	Deakin, J. H.
Bathurst, A. A.	Dickson, Major A. G.
Bazley, Sir T.	Dickson, T. A.
Beaumont, Major F.	Dilke, Sir C. W.
Beresford, Colonel M.	Dillwyn, L. L.
Biggar, J. G.	Disraeli, rt. hon. B.
Boord, T. W.	Dixon, G.
Bousfield, Major	Earp, T.
Briggs, W. E.	Elliot, Sir G.
Brise, Colonel R.	Elliot, G.
Brooks, M.	Elphinstone, Sir J. D. H.
Brown, A. H.	Easington, Lord
Browne, G. E.	Ewing, A. O.
Bruce, rt. hon. Lord E.	Fawcett, H.
Bruce, hon. T.	Fitzmaurice, Lord E.
Burt, T.	Fordyce, W. D.
Callender, W. R.	Forester, C. T. W.
Cameron, C.	Forster, Sir C.
Carter, R. M.	Fraser, Sir W. A.
Cawley, C. E.	Gardner, J. T. Agg-
Chadwick, D.	Gardner, R. Richard-
Charley, W. T.	son-
Clarke, J. C.	Gordon, rt. hon. E. S.
Clifford, C. C.	Gorst, J. E.
Cobbold, J. P.	Gourley, E. T.

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Collins, E.	Greenall, G.
Grieve, J. J.	O'Sullivan, W. H.
Gurney, rt. hon. R.	Palmer, C. M.
Hamond, C. F.	Pender, J.
Harrison, C.	Pennington, F.
Harrison, J. F.	Perkins, Sir F.
Henley, rt. hon. J. W.	Phipps, P.
Hermion, E.	Pim, Captain B.
Hervey, Lord F.	Playfair, rt. hon. L.
Heygate, W. U.	Polhill-Turner, Capt.
Hill, A. S.	Power, R.
Hill, T. R.	Price, W. E.
Hodgson, K. D.	Puleston, J. H.
Holker, Sir J.	Ramsay, J.
Holms, W.	Richard, H.
Hopwood, C. H.	Richardson, T.
Ingram, W. J.	Round, J.
Jackson, H. M.	Ryder, G. R.
Jenkins, D. J.	Samuelson, B.
Jenkinson, Sir G. S.	Sanderson, T. K.
Johnston, W.	Sandford, G. M. W.
Kinnaird, hon. A. F.	Selwin - Ibbetson, Sir
Laing, S.	H. J.
Lambert, N. G.	Sherriff, A. C.
Laverton, A.	Shute, General
Legard, Sir C.	Simon, Mr. Serjeant
Lloyd, M.	Smith, E.
Luah, Dr.	Spinks, Mr. Serjeant
Lusk, Sir A.	Stacpoole, W.
Mackintosh, C. F.	Stewart, M. J.
M'Arthur, A.	Sullivan, A. M.
M'Kenna, Sir J. N.	Taylor, P. A.
M'Lagan, P.	Tennant, R.
M'Laren, D.	Tillet, J. H.
Manners, rt. hn. Lord J.	Torrens, W. T. M'C.
Marten, A. G.	Trevelyan, G. O.
Mellor, T. W.	Villiers, rt. hon. C. P.
Mills, A.	Wait, W. K.
Morley, S.	Watkin, Sir E. W.
Mulholland, J.	Wilson, C.
Mundella, A. J.	Wilson, Sir M.
Neville-Grenville, R.	Yeaman, J.
Noel, E.	Yorke, J. R.
Nolan, Captain	
Norwood, C. M.	
O'Clery, K.	
O'Shaughnessy, R.	

TELLERS.

Forsyth, W.
Stansfeld, rt. hon. J.

NOES.

Adam, rt. hon. W. P.	Campbell-Bannerman,
Agnew, R. V.	H.
Alexander, Colonel	Carington, hn. Col. W.
Allen, Major	Cartwright, F.
Allsopp, H.	Cartwright, W. C.
Arkwright, A. P.	Cavendish, Lord G.
Ashley, hon. E. M.	Cecil, Lord E. H. B. G.
Baggallay, Sir R.	Chaplin, Colonel E.
Balfour, A. J.	Clive, Col. hon. G. W.
Barclay, A. C.	Clive, G.
Baring, T. C.	Close, M. C.
Barrington, Viscount	Cochrane, A. D. W. R. B.
Bass, A.	Colebrooke, Sir T. E.
Bassett, F.	Cordes, T.
Bates, E.	Corry, hon. H. W. L.
Beach, rt. hn. Sir M. H.	Cowper, hon. H. F.
Bentinck, G. C.	Cross, rt. hon. R. A.
Bentinck, G. W. P.	Dalkeith, Earl of
Bolckow, H. W. F.	Dalrymple, C.
Brassey, T.	Davenport, W. B.
Bright, rt. hon. J.	Davies, R.
Bristowe, S. B.	Denison, W. E.
Butt, I.	Dick, F.
Campbell, C.	Dodson, rt. hon. J. G.

Duff, M. E. G.
 Duff, R. W.
 Dunbar, J.
 Dyke, W. H.
 Dyott, Colonel R.
 Eaton, H. W.
 Edmonstone, Adm. Sir W.
 Edwards, H.
 Egerton, Adm. hon. F.
 Egerton, hon. W.
 Elcho, Lord
 Errington, G.
 Ferguson, R.
 Fielden, J.
 French, hon. C.
 Gallwey, Sir W. P.
 Garnier, J. C.
 Goldney, G.
 Goldsmid, J.
 Gooch, Sir D.
 Gordon, W.
 Gore, J. R. O.
 Gore, W. R. O.
 Gower, hon. E. F. L.
 Greene, E.
 Gregory, G. B.
 Hall, A. W.
 Halsey, T. F.
 Hamilton, Lord C. J.
 Hamilton, Lord G.
 Hamilton, Marq. of
 Hamilton, I. T.
 Hankey, T.
 Harcourt, Sir W. V.
 Hardy, rt. hon. G.
 Hardy, J. S.
 Hartington, Marq. of
 Hay, rt. hon. Sir J. C. D.
 Herbert, H. A.
 Hervey, Lord A. H.
 Holland, Sir H. T.
 Hood, Captain hon. A. W. A. N.
 Hope, A. J. B. B.
 Horman, rt. hon. E.
 James, Sir H.
 James, W. H.
 Jolliffe, hon. S.
 Kay - Shuttleworth, U. J.
 Kennard, Colonel
 Kingscote, Colonel
 Knatchbull-Hugessen, rt. hon. E.
 Knowles, T.
 Lawrence, Sir J. C.
 Larnmonth, A.
 Leatham, E. A.
 Lefevre, G. J. S.
 Legh, W. J.
 Lewis, C. E.
 Lewis, O.
 Locke, J.
 Lowe, rt. hon. R.
 Macduff, Viscount
 M'Arthur, W.
 Maitland, J.
 Majendie, L. A.
 Makins, Colonel
 Malcolm, J. W.
 March, Earl of
 Marjoribanks, Sir D. C.
 Merewether, C. G.

Mills, Sir C. H.
 Monckton, F.
 Monckton, hon. G.
 Monk, C. J.
 Moore, A.
 Mowbray, rt. hn. J. R.
 Mure, Colonel
 Naghten, A. R.
 Newdegate, C. N.
 Newport, Viscount
 North, Colonel
 O'Connor, D. M.
 Onslow, D.
 Parker, Lt.-Col. W.
 Peel, A. W.
 Peel, rt. hon. Sir R.
 Pell, A.
 Peploe, Major
 Plunket, hon. D. R.
 Plunkett, hon. R.
 Praed, C. T.
 Praed, H. B.
 Raikes, H. C.
 Rendlesham, Lord
 Repton, G. W.
 Ritchie, C. T.
 Robertson, H.
 Roebuck, J. A.
 Rothschild, N. M. de
 Russell, Lord A.
 Scott, M. D.
 Shaw, R.
 Sidebottom, T. H.
 Simonds, W. B.
 Smith, W. H.
 Smollett, P. B.
 Smyth, R.
 Stafford, Marquess of
 Stanhope, hon. E.
 Starkey, L. R.
 Steere, L.
 Stuart, Colonel
 Sykes, C.
 Talbot, J. G.
 Tracy, hon. C. R. D.
 Hanbury-Tremayne, J.
 Turner, C.
 Turnor, E.
 Vivian, H. H.
 Walker, T. E.
 Wallace, Sir R.
 Walpole, hon. F.
 Walter, J.
 Waterhouse, S.
 Waterlow, Sir S. H.
 Weguelin, T. M.
 Welby, W. E.
 Wellealey, Captain
 Whalley, G. H.
 Whitbread, S.
 Whitelaw, A.
 Whitwell, J.
 Wilmot, Sir H.
 Wilmot, Sir J. E.
 Winn, R.
 Wolff, Sir H. D.
 Woodd, B. T.
 Wynn, C. W. W.
 Yarmouth, Earl of
 Yorke, hon. E.

TELLERS.

Chaplin, H.
 Russell, Sir C.

PIER AND HARBOUR ORDERS CONFIRMATION BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," relating to Bournemouth, Carnlough, Clacton on Sea, Folkestone, Hythe (Southampton), and Withernsea.

Resolution reported : — Bill ordered to be brought in by Mr. CAVENDISH BENTINCK and Sir CHARLES ADDERLEY.

Bill presented, and read the first time. [Bill 111.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 8th April, 1875.

MINUTES.] — *Sat First in Parliament* — The

Lord Romilly, after the Death of his Father.

PUBLIC BILLS — *First Reading* — Glebe Lands

(Ireland) * (47) ; Marine Mutiny * ; Mutiny *.

Select Committee — Church Patronage * (12), The

Earl of Harrowby and Viscount Eversley

added.

Report — Patents for Inventions * (15).

THE JUDICATURE ACT.

THE LORD CHANCELLOR: My Lords, I beg to give Notice that to-morrow I propose to call the attention of the House to the present condition of the Judicature Act of 1873, and to state the course which Her Majesty's Government intend to pursue with reference to that subject.

THE LATE CLERK OF THE PARLIAMENTS.

HER MAJESTY'S ANSWER TO THE ADDRESS.

The Queen's answer to the Address of the 11th of March *reported* by The LORD STEWARD, as follows : —

"I have received your Address recommending Sir John George Shaw Lefevre, K.C.B., late Clerk of the Parliaments, to my Royal grace and bounty, and I will give directions accordingly."

House adjourned at a quarter past Five o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 8th April, 1875.

MINUTES.] — PUBLIC BILLS — *Resolution in Committee—Ordered—First Reading—*Pier and Harbour Orders Confirmation (No. 2) * [113].
*Ordered—First Reading—*Banking and other Companies * [114].
Second Reading— Merchant Shipping Acts Amendment [4].
*Report—*Local Government Board's Provisional Orders Confirmation * [67-112].

ARMY—SALE OF COMMISSIONS—THE ROYAL WARRANT, 1870.—QUESTION.

COLONEL EGERTON LEIGH asked the Secretary of State for War, Whether he will take into his consideration Clause 84, section 1, of the Royal Warrant (Dec. 27, 1870) which prevents an officer from selling his commission till after the lapse of six weeks (should the surgeon's certificate declare such officer to be in a delicate or dangerous state of health), with a view to its being struck out of the Queen's Regulations?

MR. GATHORNE HARDY, in reply, said, the object which the hon. and gallant Colonel had in view would not be effected by touching the Queen's Regulations, which were made under the existing Act of Parliament respecting the Abolition of Purchase. It would require a new Act of Parliament, and the saving of £1,106,910, taken credit for in estimating the cost of abolishing Purchase, would be seriously diminished.

AUSTRALIA AND NEW GUINEA—IMMIGRATION.—QUESTION.

MR. WHALLEY asked the Under Secretary of State for the Colonies, Whether his attention has been called to the prospect of a large immigration from Australia to New Guinea consequent on the discovery of gold, as reported by Captain Moresby, R.N.; and, whether for this or other reasons it is the intention of the Government to establish a British settlement on that Island?

MR. J. LOWTHER: Sir, the attention of the Colonial Office has not been recently drawn to any immediate prospect of a large immigration from Australia to New Guinea, although I am, of course, aware that the subject has been a good deal discussed from time to time in Australia. As to the latter part of the

Question of the hon. Gentleman, he will no doubt agree with me that, under the circumstances I have mentioned, it would be premature to form any opinion upon the subject.

UNIVERSITY EDUCATION (SCOTLAND) —CHAIRS OF TEACHING.—QUESTION.

MR. DALRYMPLE asked Mr. Chancellor of the Exchequer, What is the present position of the proposed endowment of the Chairs of the Theory and Practice of Teaching in the Universities of Edinburgh and Saint Andrews?

THE CHANCELLOR OF THE EXCHEQUER: In answer to the Question of the hon. Gentleman, I have to state that last summer I received deputations from the representatives of the Universities of Edinburgh and Saint Andrews, and they were accompanied by a body of Trustees. I was informed that the then Trustees had a certain sum of money at their disposal for various purposes, and that they proposed to apply a portion of that money to founding a new Chair, one in the University of Edinburgh, and the other in the University of Saint Andrews, for the purpose of teaching what they call the science of pedagogy, or the science of teaching. I was further informed that the University authorities were willing to accept the donation on the part of the Trustees, but that the amount would not be sufficient, in their opinion, to endow the Chairs, and they therefore came to the Government for a grant from the Treasury to add to the endowment of the Trustees. Looking at the matter from a purely financial point of view, I stated that I was not at that time prepared to entertain the question of the grant. Subsequently, in the course of the winter, the application was renewed, and I then considered, looking to various considerations which presented themselves, that I need not insist upon the objections which I had taken in the summer, and therefore I informed them that it would be within the competence of the Government to grant the sum which they asked for—namely, £200 for each Chair. I understood the money was to be for the purpose of teaching the theory and science of teaching, and not connected with any practical work and I certainly never supposed that

the Chairs would interfere with the system of primary education in the normal schools in Scotland. Subsequently to that announcement, and after directions had been given for the grants, representations were made that these Chairs might in some way injure and interfere with the normal schools throughout Scotland. Now there was not the slightest intention on the part of the promoters, and there never was any on the part of the Government, that any such consequence should result from the foundation of the Chairs. I have put myself in communication with the Secretary of State for the Home Department and the Lord Advocate, and have requested them to consider whether any conditions ought to be enforced in order to prevent any interference with that system, which we do not desire to interfere with. We consider the Chairs ought to be of a purely scientific character. We have given Notice of the Vote for Edinburgh University; but by some accident the like Vote for Saint Andrews has been omitted from the Estimates. That is a pure accident, and it will be rectified.

CRIMINAL LAW—INDEPENDENCE OF JURIES.—QUESTION.

MR. WHALLEY: As the hon. Member for Stoke (Dr. Kenealy)—[*Laughter*]
—perhaps I may be permitted to explain that on a former occasion, when I intended to put this Question, also in his absence, I found myself on being called upon to read it not equal to the task; and I therefore postponed the Question until this day. [*Cries of "Read, read."*]

MR. SPEAKER: Does the hon. Gentleman propose to put the Question?

MR. WHALLEY: I do so; but perhaps I may be allowed a word of explanation. [*Cries of "Read" and "Order."*] The hon. Member for Stoke is a young Member, and possibly being ignorant of the practice of the House, is not here to put the Question himself. I not having communicated to him what took place on a former occasion—[*"Read, read"*]
—may have led to this misapprehension. This remark, I think, is due in justice to him, as the reason why he is not here to put the Question himself. I beg, therefore, on his behalf, to ask the First Lord of the Treasury, Whether his attention has been called

to the two following cases of alleged interference by Judges at the present Assizes with the province and independence of Juries:—

1. Extract from the "Dublin Daily Express" of what took place at Limerick Assizes on March 6th, before Mr. Justice Lawson, at the trial and acquittal of two men charged with homicide:—

"After an hour's deliberation the jury returned into court.

"The foreman handed down the issue paper.

"The Clerk of the Crown: Gentlemen, have you agreed to your verdict?

"Foreman: We have, my lord.

"Clerk of the Crown: And you say the prisoner is not guilty. (Sensation in court.)

"His Lordship: Gentlemen, is that your verdict?

"A Juror: It is, my lord.

"His Lordship: Is it possible, after hearing the evidence of the various witnesses examined, that you can arrive at such a verdict?

"Foreman: We have done our best, my lord.

"His Lordship asked counsel upon each side if they had anything to suggest.

"Sir Colman O'Loughlen, Q.C.: Well, my lord, the only suggestion I would venture to make to your lordship is that; the jury having agreed to the verdict, may now be discharged.

"His Lordship: Very well, Sir Colman. I must, however, observe that in the whole course of my experience I never witnessed a more wilful and distinct violation of an oath than has been illustrated by the jury in this case. It is beyond anything I could have imagined or believed. This is strong language for me to use, but I feel that in the discharge of my duty, sitting here as a judge, I am bound to use it.

"Subsequently,

"Mr. De Moleyns appeared in court, and, addressing his lordship, said: My lord, in consequence of the extraordinary verdict of the jury, and the observations which your lordship has felt bound to make, I beg that your lordship will postpone further action in the case until Monday, in order to afford the law officers of the Crown an opportunity of consulting upon the subject.

"His Lordship: Certainly.

"The prisoner was then removed in custody, and the jury were discharged."

2. "A man having been tried and acquitted at Brighton Assizes on the 18th of March, the Lord Chief Justice Cockburn, the presiding judge, immediately directed another jury to be sworn, and, addressing the prisoner, told him he ought to consider himself very fortunate, for he did not believe twelve other human beings could be found, except the jurors in the box, who would have returned the verdict they had done upon the evidence before them;"

and, whether it is his intention to introduce any measure which shall have for its object the better maintenance of the rights of jurymen to deliver verdicts according to their conscience, to the best of their ability, without censure from the Bench?

MR. DISRAELI: Mr. Speaker, the hon. Gentleman has made an appeal to me whether it is my intention to introduce any measures which shall have for their object the control of Judges in reference to conduct similar to that which he has detailed. I do not know why the appeal is made to me. It is not their business, happily, for the Ministers of the Crown to exercise jurisdiction over the Judges. If a Judge does anything to lose the confidence of the public, it is the privilege of Parliament to address the Crown to remove him from the Bench. Therefore, the hon. Gentleman should not have made his appeal to me; but, of course, I do not shrink from that appeal. I should be as unwilling as any Member of this House to interfere with the free expression of opinion on the part of the Judges as I should be to interfere with the free expression of opinion by the jury in delivering their verdict. There may be occasions on which the exercise of that freedom of opinion on the part of the Judges is for the public welfare. In civil cases it is often—perhaps not often, but occasionally—that the verdict of the jury is refused by Judges, and they are asked to re-consider it. In criminal cases, again, a jury may be so stupid or factious that a Judge may rightly and conscientiously believe that he is only doing his duty in expressing his opinion on the conduct of the jury. I hope—indeed, I feel sure—that no person in this House estimates more highly the institution of trial by jury than myself. I know its value, how much it conduces to the security of property and person, and not merely the freedom of the subject, but the liberties of the country. But I do not believe that juries are infallible; and from what I have observed of the sayings and doings of the hon. Member for Stoke, who originated this Question, and the hon. Member for Peterborough, who has adopted it, I believe that is an opinion which in some degree they share with me. I beg the House to observe that this Question has been felicitously introduced to-day in the absence of the hon. Member for Stoke, by the hon. Gentleman the Member for Peterborough who has just presented a Petition calling on the Crown to appoint a Royal Commission to impugn the verdict of a jury.

MASTER AND SERVANT ACT—CASE OF LUKE HILLS.—QUESTION.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether it is true that Luke Hills, sentenced by the Cuckfield Bench of Magistrates to three months' imprisonment without hard labour for non-payment of damages for breach of contract, was for three weeks subjected to hard labour; and, if so, by what authority?

MR. ASSHETON CROSS: Sir, the sentence of the magistrates was three months' imprisonment without hard labour. He regretted extremely to state that in the warrant of commitment the words "hard labour" had been inserted. The prisoner was received at the prison on the 1st of February under the commitment with hard labour, and accordingly he was placed to "hard labour" till the 17th, when the commitment was amended, leaving out "hard labour." The clerk who made the mistake deeply regretted the error committed.

IRELAND—AGRARIAN MURDER IN KING'S COUNTY—ATTACK UPON A PRISONER.—QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, If his attention has been called to the following statements in the Dublin "Daily Express" of the 27th ultimo:—

"When the six prisoners (charged with the murder) arrived from Tullamore Jail, there were more than four thousand persons in the street, who, as the car passed up the village, made several fierce attempts to wrest Peter Claffey, the principal prisoner, from the hands of the police. The air was rent with cries of 'Lynch the murderer,' 'Blood for blood,' and other yells of a similar description. The house where Claffey resided was wrecked, and the windows and doors broken. The prisoner's name was erased from the sign-board, and that article was then painted one half red and the other half black. . . . Claffey's effigy was dragged through the place on a cart, and hanged opposite his own door. . . . Two men who expressed sympathy with the prisoners were set upon and only saved from death by fifteen of the constabulary who succeeded in bringing them to the barracks;"

whether this is the same case as that recently referred to by him, in which a man named Regney, who had served an ejection, was shot while attending a wake; and, whether any information has been received at Dublin Castle corroborating the above statements of the

"Daily Express" as to the state of popular feeling in King's County in reference to this agrarian murder?

SIR MICHAEL HICKS-BEACH, in reply, said, the case alluded to in the Question was the same to which he had recently referred in the House. His attention had been called to the statement and also to another paragraph of the report which the hon. Gentleman had omitted, from which it appeared that on this occasion the Crown Solicitor enjoyed what he feared had been the exceptional satisfaction of being on the popular side. The account was exaggerated in some points, very much so in the number of the crowd collected on the occasion; but undoubtedly a demonstration of the people was made in favour of the murdered person and against the man who was supposed to have committed the murder. How far that demonstration was due to the fact that the murdered man was very popular among his friends he was not in a condition to state; but he hoped, if it arose from detestation of the crime committed, the best proof of the existence of that healthy feeling would be that what had happened would afford sufficient encouragement to persons able to give evidence to come forward and aid in securing the conviction of the offender.

PUBLIC WORKS LOAN COMMISSIONERS—LOANS FOR LABOURERS' DWELLINGS.—QUESTION.

SIR SYDNEY WATERLOW asked Mr. Chancellor of the Exchequer, Whether he is aware that, in consequence of the state of the funds at the disposal of the Public Works Loan Commissioners for the purposes of the Labouring Classes Dwellings Act, 1866, the Commissioners are unable to entertain applications for Loans to assist in the erection of Dwellings for the Labouring Classes; and, whether it is the intention of Her Majesty's Government to provide the Commissioners with the funds necessary for carrying out the purposes of the said Act?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the funds at the disposal of the Public Works Loan Commissioners were not inexhaustible. The amount that was granted on the passing of the Labouring Classes Dwellings Act, 1866, for the purposes of the Act was £250,000, and that money had

been either actually lent or promised; therefore, the Commissioners had no more money in their hands applicable to this purpose. It was the intention of the Government in a short time to introduce a Bill to raise more money, in order to supply the Public Works Loan Commissioners with funds for this and other purposes. There were a great many calls upon these funds, and the introduction of the Bill had been delayed a little time, until it had been ascertained what was the amount that was required.

POLLUTION OF RIVERS—LEGISLATION. QUESTION.

MR. KAY-SHUTTLEWORTH asked the President of the Local Government Board, Whether he can inform the House when he proposes to introduce the Bill for the prevention of the Pollution of Rivers promised in Her Majesty's Most Gracious Speech?

MR. SCLATER-BOOTH, in reply, said, he was not prepared at that moment to answer the Question put by the hon. Gentleman; but next week he should, he hoped, be able to name the day when it was his intention to bring in the Bill.

ARMY—MILITIA RECRUITING DEPOTS, DUBLIN.—QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, Whether any decision has been come to by the Government in reference to the required removal of the Militia Recruiting Depôts from the locality of the King's Inns in Dublin?

SIR MICHAEL HICKS-BEACH, in reply, said, the decision on the subject did not rest with the Irish Government, but with the War Office. There had been a Correspondence between the two Departments, and the matter was still under the consideration of the Secretary of State for War. He hoped to be able in a short time to give the hon. Gentleman an answer to his Question.

INTOXICATING LIQUOR (IRELAND) ACT —DUBLIN LICENSING SESSIONS. QUESTION.

MR. SULLIVAN asked Mr. Solicitor General for Ireland, If the attention of the Government has been called to the fact that, notwithstanding section 12 of

the Act 37th and 38th Vic. c. 69, under which the Lord Lieutenant of Ireland was empowered, by Order in the Dublin Gazette, to appoint one of the ordinary quarter sessions to be the annual licensing sessions, and, notwithstanding such order having been made, fixing the Michaelmas Sessions, held in October, as such annual licensing sessions, the clerk of the peace for the City of Dublin has issued a notice for the ordinary quarterly licensing sessions to be held for the City of Dublin on the 10th April next; and, if the Government intend to take any steps to ensure that the provisions of the Licensing Act in this respect shall be complied with?

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET): Sir, I am informed that the only public document issued by the Clerk of the Peace for the City of Dublin, as to the granting of licences at the April Quarter Sessions, is a list of persons intending to apply for licences on that occasion. By the 12th section of the Intoxicating Liquors (Ireland) Act of last Session, an authority is reserved to the Recorder to grant provisional licences at any General Quarter Sessions, in such cases as shall seem fit to him. I am certain that the learned Recorder of Dublin will exercise this discretion in accordance with law, and it is not the intention of the Government to interfere.

ARMY STAFF APPOINTMENTS—RETURN.—QUESTION.

SIR PATRICK O'BRIEN asked the Secretary of State for War, When the Return relative to Army Staff Appointments, ordered on the 30th of July last, will be laid upon the Table?

MR. GATHORNE HARDY, in reply, said, the branch of the War Office which had to make out the Return was so pressed with business that it could only be prepared gradually, and he was afraid it would not be ready before the end of May.

RAILWAYS—THE GREAT WESTERN RAILWAY.—QUESTION.

SIR PATRICK O'BRIEN asked the President of the Board of Trade, If his attention has been directed to two letters in "The Times" of Wednesday March 31st and Saturday last respectively, one stating that trains on the Great Western

Railway, when approaching Wednesday, travel at a walking pace, in consequence of the ground in the neighbourhood being undermined by coal-pits; the other letter in some degree contradicting this assertion; and, whether he will direct an official report to be made upon the subject?

SIR CHARLES ADDERLEY: Sir, my attention has been directed to this subject. The portion of railway referred to has been inspected by Colonel Hutchinson, of the Board of Trade, in conjunction with Mr. Baker, Inspector of Mines to the Home Office, and I have laid their Reports on the Table this evening. I have communicated these Reports to the Railway Company and to the owner of the mine, and I am taking advice as to my power to take further steps, if necessary, for the safety of the public.

POST OFFICE SAVINGS BANK DEPARTMENT.—QUESTION.

MR. GOLDSMID asked the Postmaster General, Whether the Report of the Committee which he had previously informed the House, in answer to a Question, had been appointed to inquire into the state of the Savings Bank Department of the Post Office has been presented; and, if it has, whether he will lay it together with the evidence upon the Table of the House; and, whether he has yet reinstated the sorters who were dismissed on account of alleged communications with agitators outside?

LORD JOHN MANNERS, in reply, said, the Report alluded to by the hon. Gentleman had been presented; but it was a strictly departmental document, which ought not to be laid on the Table of the House. The five sorters who were dismissed during the winter had not been re-instated.

GLEBE LOANS (IRELAND) ACT, 1870. QUESTION.

MR. R. SMYTH asked the Chief Secretary for Ireland, Whether he can conveniently communicate to the House the intentions of the Government with reference to the continuance of "The Glebe Loans (Ireland) Act, 1870?"

SIR MICHAEL HICKS-BEACH, in reply, said, he had communicated with the Lord Chancellor of Ireland and with

the Treasury on the subject, and he was able to announce that it was intended to propose the continuance of the Act for three years.

MERCHANT SHIPPING ACTS—UNSEAWORTHY SHIPS.—QUESTION.

MR. PLIMSOLL asked the President of the Board of Trade, At whose instance Board of Trade inquiries as to the seaworthiness of merchant ships are or have been held, say upon the last twenty cases: if on the motion of the department itself, upon what principle of selection they proceed; if upon requisitions from outside, then upon whose requests in those instances?

SIR CHARLES ADDERLEY: Sir, there is an ambiguity about the Question, whether it refers to Surveyors' Reports of unseaworthy ships or inquiries into wrecks. Whichever is meant it would be better answered by an actual Return, which, if the hon. Member will move for unopposed, I will take care shall be immediately presented to the House. It would be difficult to give such information in the form of an Answer to a Question.

THE ARCTIC EXPEDITION—APPOINTMENT OF A CHAPLAIN. QUESTION.

MR. HANBURY-TRACY asked the First Lord of the Admiralty, If he will appoint a chaplain, specially selected with scientific attainments, to accompany the Arctic Expedition?

MR. HUNT, in reply, said, he was sorry it was not possible to appoint a chaplain for want of cabin accommodation. There had been great difficulty in providing for the crews selected.

FOREIGN LOANS COMMITTEE— SIR HENRY JAMES.

QUESTION.

SIR LAWRENCE PALK asked the honourable and learned Member for Taunton, If it is true that he appeared as Counsel in December 1874, and again in January 1875, before the Lord Chancellor in a legal proceeding relating to the Paraguay Loan; and, whether that is the Paraguay Loan to which he alluded in his speech this Session as one of the Foreign Loans to be investigated by the Select Committee obtained by him on Foreign Loans?

SIR HENRY JAMES: Sir, on the 15th of December, 1874, I had to appear as counsel on an interlocutory motion before the Lord Chancellor and Lord Justice James, sitting as the Appellate Court in Chancery. I believe the main object of the suit was to enable certain persons to recover a certain sum of money from other persons for work and labour done in relation to bringing out the Paraguay Loan; and the interlocutory proceeding in which I appeared was for the purpose of determining whether certain witnesses should be examined in private or should be examined in public; that was the only matter in which I was concerned—the only proceeding in which I had to take any share or part. With the main purpose of the suit I had nothing to do. At the time I had no intention of moving for a Select Committee on Foreign Loans. Before the sitting of Parliament, when I had determined to bring the matter under the cognizance of this House, I caused the retainer I had received in that suit to be returned, and I have since taken no part or share, as advocate or counsel, in that suit, or any other connected with it. I take no exception to the hon. Baronet putting the Question, for since I have had the honour of a seat in this House, I have felt it was very necessary that every member of my profession should carefully guard against allowing his Parliamentary conduct to be in any way influenced by professional considerations. I trust the course I have taken on this occasion will be satisfactory to the hon. Baronet, and that I shall always shape my conduct in accordance with that opinion.

INDIA—BANDA AND KIRWEE PRIZE BOOTY.—QUESTION.

MR. RYDER asked the Under Secretary of State for India, When the further Correspondence, 18th February last, relative to the Kirwee Booty would be produced; and, whether there is any objection to produce the Despatch, omitted in the recent Return, calling for the information from Calcutta, ordered by Her Majesty in July 1873, to be furnished to Parliament with reference to the realised amount of Indian spoil?

LORD GEORGE HAMILTON, in reply, said, an application from the prize agents on the subject was under

the consideration of the Secretary of State. When a reply to that application had been sent the Correspondence would be produced. So little objection was there to the publication of the despatch to which the hon. Gentleman attached importance, that he would read it at once. It was—

"I forward herewith a copy of an order of the House of Lords, dated the 10th of July, 1873, and I request that you will furnish me with the information therein required."

EAST AFRICAN SLAVE TRADE.

QUESTION.

MR. HANBURY asked the Under Secretary of State for Foreign Affairs, When the Papers relating to the East African Slave Trade, which have now for some time been in the hands of the printers, will be issued to Members; and, if he would state to the House what changes have been made in the Consular Service on the East Coast of Africa and on the Coasts of the Red Sea since the Report of the Slave Trade Committee of 1871, and what further changes are now contemplated?

MR. BOURKE, in reply, said, the Papers alluded to would probably be in the hands of Members to-morrow, and as to the second Question, relating to the Consular Service, that subject would be soon brought under the consideration of the House, and it would be his duty then to make a statement upon the subject.

ships employed on this service, so far as compatible with their other duties, one of which, the *Shearwater*, was ordered home; but another vessel would be sent to replace her. No alteration had been made this year, but an additional vessel would be sent in the course of the summer to strengthen the squadron.

THE SERJEANT AT ARMS—RESIGNATION OF LORD CHARLES JAMES FOX RUSSELL.

RESOLUTION OF THIS HOUSE.

MR. DISRAELI: I beg to move, Sir, that the letter addressed to you by Lord Charles Russell, the late Serjeant at Arms, be read by the Clerk at the Table.

Letter [5th April] read.

MR. DISRAELI: Mr. Speaker, we have listened to the resignation of his office by one who has long and ably served this House. The office of Serjeant at Arms is one which requires no ordinary qualities; for it requires at the same time patience, firmness, and suavity, and that is a combination of qualities which is unfortunately more rare than one could wish in this world. The noble Lord who filled the office recently, and whose resignation has just been read at the Table, has obtained our confidence by the manner in which he has discharged his duties through an unusually long period of years; and we should remember, I think, that occasions like the present are almost the only opportunity we have of expressing our sense of those

on this side of the House, I rise to second the Motion of the right hon. Gentleman. He has on more than one occasion gracefully, but at the same time justly, recognized the services rendered to the State by the House of Russell. That House will always occupy a foremost place in the history of the Party to which I am proud to belong, and I hope it will occupy no insignificant place in the history of the country. Of that house the noble Lord who has just resigned his office is no unworthy Member. There are, Sir, at the present moment but few Members who can recollect the time when he assumed the duties of his office; but I am glad that his resignation has been deferred sufficiently long to enable a number of new Members of this House to add their testimony to that of us who are better acquainted with him as to the invariable dignity and courtesy with which he has discharged his duties.

Resolved, Nemine Contradicente, That Mr. Speaker be requested to acquaint Lord Charles James Fox Russell, that this House entertains a just sense of the exemplary manner in which he has uniformly discharged the duties of the Office of Serjeant at Arms during his long attendance upon this House.—(Mr. Disraeli.)

MERCHANT SHIPPING ACTS AMENDMENT BILL.—[BILL 4.]

(Sir Charles Adderley, Mr. Cavendish Bentinck, Mr. William Henry Smith.)

SECOND READING.

Order for Second Reading read.

SIR CHARLES ADDERLEY, in rising to move that the Bill be now read a second time, said, he was fully sensible of the importance and delicate task he undertook. It would add another statute to too many already existing, affecting one of the most vital interests of the country, and which was most sensitive of any Government interference. The Bill arose from a just claim on the Legislature that it should do all in its power to diminish the perils to which the gallant seamen who manned our merchant service were, to some extent, unnecessarily exposed. Under such an impulse, the House might easily run into inconsiderate and mistaken legislation, which might inflict the most serious injury upon the shipowners who were honourably engaged in a great enterprise, and which, so far from securing the safety or improving the condition of the seamen,

might supplement the necessary perils of the sea by the graver perils of a Government protection still more treacherous and disastrous than the sea itself. He had, therefore, in recommending legislation to the House, approached the subject with the deepest anxiety and sense of responsibility. He had not intended to say a word in moving the second reading of this Bill, because he had fully explained the objects of the Bill on its introduction. He had, however, since given Notice of his intention to substitute a new clause for Clause 41, relating to the liabilities of shipowners, and to introduce a voluntary load-line clause into the Bill; and he should, therefore, best consult the convenience of the House by making a preliminary statement to show how the Bill would then stand. If the House would read it a second time, he would move for its committal *pro forma* that these insertions might be made, together with such Amendments on the Notice Paper as he could wholly or partially adopt. The object of the measure was to secure increased safety at sea and a diminution of the unnecessary perils to which seamen were now exposed, while avoiding at the same time any mischievous interference with shipowners in carrying on their business. A pamphlet had been just received by Members of the House, circulated by the hon. Member for Birkenhead (Mr. MacIver), in which the two principles were fairly placed in direct antagonism—that of making shipowners answerable for the safety of their ships; and that of Government undertaking to be answerable for them. He gave his preference to the latter principle, on the ground that shipowners were not necessarily experts, and their ships often came to grief with no criminal intention on their part, or even knowledge of the cause. He therefore thought that, alone of all trades, the shipowner should have guaranteed to him the profits arising from his trade, while the Government should be responsible for supplying him with the requisite knowledge for conducting it. The hon. Member hoped that the day would come when the Government would include within itself a representative marine department—that was to say, a department to represent shipowners, the head of which would be a sort of Controller General of Mercantile Marine, as the First Lord of the Admiralty was at the head

the Act 37th and 38th Vic. c. 69, under which the Lord Lieutenant of Ireland was empowered, by Order in the Dublin Gazette, to appoint one of the ordinary quarter sessions to be the annual licensing sessions, and, notwithstanding such order having been made, fixing the Michaelmas Sessions, held in October, as such annual licensing sessions, the clerk of the peace for the City of Dublin has issued a notice for the ordinary quarterly licensing sessions to be held for the City of Dublin on the 10th April next; and, if the Government intend to take any steps to ensure that the provisions of the Licensing Act in this respect shall be complied with?

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET): Sir, I am informed that the only public document issued by the Clerk of the Peace for the City of Dublin, as to the granting of licences at the April Quarter Sessions, is a list of persons intending to apply for licences on that occasion. By the 12th section of the Intoxicating Liquors (Ireland) Act of last Session, an authority is reserved to the Recorder to grant provisional licences at any General Quarter Sessions, in such cases as shall seem fit to him. I am certain that the learned Recorder of Dublin will exercise this discretion in accordance with law, and it is not the intention of the Government to interfere.

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SIR PATRICK O'BRIEN asked the Secretary of State for War, When the Return relative to Army Staff Appointments, ordered on the 30th of July last, will be laid upon the Table?

MR. GATHORNE HARDY, in reply, said, the branch of the War Office which had to make out the Return was so pressed with business that it could only be prepared gradually, and he was afraid it would not be ready before the end of May.

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Railway, when approaching Weymouth, travel at a walking pace, in consequence of the ground in the neighbourhood being undermined by coal-pits; the other letter in some degree contradicting this assertion; and, whether he will direct an official report to be made upon the subject?

SIR CHARLES ADDERLEY: Sir, my attention has been directed to this subject. The portion of railway referred to has been inspected by Colonel Hutchinson, of the Board of Trade, in conjunction with Mr. Baker, Inspector of Mines to the Home Office, and I have laid their Reports on the Table this evening. I have communicated these Reports to the Railway Company and to the owner of the mine, and I am taking advice as to my power to take further steps, if necessary, for the safety of the public.

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QUESTION.

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LORD GEORGE HAMILTON, in reply, said, an application from the prize agents on the subject was under

the consideration of the Secretary of State. When a reply to that application had been sent the Correspondence would be produced. So little objection was there to the publication of the despatch to which the hon. Gentleman attached importance, that he would read it at once. It was—

“I forward herewith a copy of an order of the House of Lords, dated the 10th of July, 1873, and I request that you will furnish me with the information therein required.”

EAST AFRICAN SLAVE TRADE.

QUESTION.

MR. HANBURY asked the Under Secretary of State for Foreign Affairs, When the Papers relating to the East African Slave Trade, which have now for some time been in the hands of the printers, will be issued to Members; and, if he would state to the House what changes have been made in the Consular Service on the East Coast of Africa and on the Coasts of the Red Sea since the Report of the Slave Trade Committee of 1871, and what further changes are now contemplated?

MR. BOURKE, in reply, said, the Papers alluded to would probably be in the hands of Members to-morrow, and as to the second Question, relating to the Consular Service, that subject would be soon brought under the consideration of the House, and it would be his duty then to make a statement upon the subject.

NAVY—EAST AFRICAN SLAVE TRADE—CRUISERS.—QUESTION.

MR. HANBURY asked the First Lord of the Admiralty, What was the number and nature of the vessels actually employed last year in suppressing the Slave Trade upon the East Coast of Africa; and, what is the number and nature of the vessels this year employed in the same service?

MR. HUNT, in reply, said, that the number varied very much, but at the beginning of the year there were five ships, and at the end seven. Of these, the *London*, depôt ship, was specially furnished with boats in order to assist in the suppression of the traffic; the flag ship *Glasgow* had also visited the East Coast during the latter part of the year; there were two surveying

ships employed on this service, so far as compatible with their other duties, one of which, the *Shearwater*, was ordered home; but another vessel would be sent to replace her. No alteration had been made this year, but an additional vessel would be sent in the course of the summer to strengthen the squadron.

THE SERJEANT AT ARMS—RESIGNATION OF LORD CHARLES JAMES FOX RUSSELL.

RESOLUTION OF THIS HOUSE.

MR. DISRAELI: I beg to move, Sir, that the letter addressed to you by Lord Charles Russell, the late Serjeant at Arms, be read by the Clerk at the Table.

Letter [5th April] read.

MR. DISRAELI: Mr. Speaker, we have listened to the resignation of his office by one who has long and ably served this House. The office of Serjeant at Arms is one which requires no ordinary qualities; for it requires at the same time patience, firmness, and suavity, and that is a combination of qualities which is unfortunately more rare than one could wish in this world. The noble Lord who filled the office recently, and whose resignation has just been read at the Table, has obtained our confidence by the manner in which he has discharged his duties through an unusually long period of years; and we should remember, I think, that occasions like the present are almost the only opportunity we have of expressing our sense of those qualities, entitled so much to our respect, which are possessed and exercised by those who fill offices attached to this House, and upon whose able fulfilment of their duties much of our convenience depends. Therefore, following the wise example of those who have preceded me in this office, I have prepared a Resolution which expresses the feeling of the House on this occasion, and I now place it, Sir, in your hands.

MR. SPEAKER read the Resolution, as follows—

“That Mr. Speaker be requested to acquaint Lord Charles James Fox Russell, that this House entertains a just sense of the exemplary manner in which he has uniformly discharged the duties of the Office of Serjeant at Arms during his long attendance upon this House.”

THE MARQUESS OF HARTINGTON: Sir, on behalf of the Members who sit

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on this side of the House, I rise to second the Motion of the right hon. Gentleman. He has on more than one occasion gracefully, but at the same time justly, recognized the services rendered to the State by the House of Russell. That House will always occupy a foremost place in the history of the Party to which I am proud to belong, and I hope it will occupy no insignificant place in the history of the country. Of that house the noble Lord who has just resigned his office is no unworthy Member. There are, Sir, at the present moment but few Members who can recollect the time when he assumed the duties of his office; but I am glad that his resignation has been deferred sufficiently long to enable a number of new Members of this House to add their testimony to that of us who are better acquainted with him as to the invariable dignity and courtesy with which he has discharged his duties.

Resolved, Nemine Contradicente, That Mr. Speaker be requested to acquaint Lord Charles James Fox Russell, that this House entertains a just sense of the exemplary manner in which he has uniformly discharged the duties of the Office of Serjeant at Arms during his long attendance upon this House."—(Mr. Disraeli.)

MERCHANT SHIPPING ACTS AMENDMENT BILL—[BILL 4.]

(*Sir Charles Adderley, Mr. Cavendish Bentinck, Mr. William Henry Smith.*)

SECOND READING.

Order for Second Reading read.

SIR CHARLES ADDERLEY, in rising to move that the Bill be now read a second time, said, he was fully sensible of the importance and delicate task he undertook. It would add another statute to too many already existing, affecting one of the most vital interests of the country, and which was most sensitive of any Government interference. The Bill arose from a just claim on the Legislature that it should do all in its power to diminish the perils to which the gallant seamen who manned our merchant service were, to some extent, unnecessarily exposed. Under such an impulse, the House might easily run into inconsiderate and mistaken legislation, which might inflict the most serious injury upon the shipowners who were honourably engaged in a great enterprise, and which, so far from securing the safety or improving the condition of the seamen,

might supplement the necessary perils of the sea by the graver perils of a Government protection still more treacherous and disastrous than the sea itself. He had, therefore, in recommending legislation to the House, approached the subject with the deepest anxiety and sense of responsibility. He had not intended to say a word in moving the second reading of this Bill, because he had fully explained the objects of the Bill on its introduction. He had, however, since given Notice of his intention to substitute a new clause for Clause 41, relating to the liabilities of shipowners, and to introduce a voluntary load-line clause into the Bill; and he should, therefore, best consult the convenience of the House by making a preliminary statement to show how the Bill would then stand. If the House would read it a second time, he would move for its committal *pro forma* that these insertions might be made, together with such Amendments on the Notice Paper as he could wholly or partially adopt. The object of the measure was to secure increased safety at sea and a diminution of the unnecessary perils to which seamen were now exposed, while avoiding at the same time any mischievous interference with shipowners in carrying on their business. A pamphlet had been just received by Members of the House, circulated by the hon. Member for Birkenhead (Mr. MacIver), in which the two principles were fairly placed in direct antagonism—that of making shipowners answerable for the safety of their ships; and that of Government undertaking to be answerable for them. He gave his preference to the latter principle, on the ground that shipowners were not necessarily experts, and their ships often came to grief with no criminal intention on their part, or even knowledge of the cause. He therefore thought that, alone of all trades, the shipowner should have guaranteed to him the profits arising from his trade, while the Government should be responsible for supplying him with the requisite knowledge for conducting it. The hon. Member hoped that the day would come when the Government would include within itself a representative marine department—that was to say, a department to represent shipowners, the head of which would be a sort of Controller General of Mercantile Marine, as the First Lord of the Admiralty was at the head

of the Navy. The Bill was drawn on a directly opposite principle. It proposed that the Board of Trade should continue to watch over public safety and enforce the legal consequences of negligence or recklessness in private enterprise, violating its public responsibility. The Bill would provide—first, for improvement in the discipline and condition of seamen; second, for a better equipment of ships. Its third object was the prevention of unseaworthy ships going to sea. Then it proposed to deal with and improve the system of inquiry into casualties at sea; and, lastly, to amend the law as to the liabilities of shipowners. The first proposal to which he had referred included the abolition of advance notes, which had been freely canvassed as a needless interference with the freedom of contract. It was, in fact, quite the reverse. The effect of allowing advance notes to be given was an unparalleled licence to enable the most improvident of our fellow-citizens to anticipate their wages and get into extra debt. No other class of workmen in the Kingdom had any such specially recognized power—he would not call it privilege—and in the case of sailors the result was simply a handing them over to the mercy of crimps. The advance note was altogether different from the allotment note, by which a seaman could provide for his family in his absence, and no interference with the allotment note was proposed. The simple result of abolishing advance notes would be that a seaman arriving at a port with a certain amount of wages would, as now, be cleared of all his property; but he would not be trusted any further, and would be obliged to engage himself to sea again. It was said that there might be cases where the sailor arrived at a port destitute of money, and that then the advance note was necessary. Of all kinds of relief the worst was to enable the seaman by some extraordinary process to live upon anticipated earnings. There was a provision introduced into the Bill to enable the master to grant the seaman any necessary clothing at a reasonable price. The second object to which he had referred—namely, the better equipment of ships, had regard, among other things, to the supply of boats which ships would be obliged to carry. The existing law on this point was, by the Bill adapted to present cir-

cumstances. The hon. Member for Pembroke (Mr. Reed) proposed, also, on the subject of equipment that the iron used in shipbuilding should be subjected to a Government test, and the proposal was worthy of consideration—the fact not being lost sight of that a severe test would materially increase the cost of shipbuilding. With respect to the third object to which he had alluded—namely, the stoppage of unseaworthy ships the question was what was the most effectual means of preventing unseaworthy ships going to sea; whether by the Government dealing only with particular cases, or undertaking to guarantee the condition of all ships, at all times, in the Mercantile Navy. The Bill maintained the principle of the existing law, which he considered a far more effectual provision against carelessness and negligence than if the Government were to attempt to do the shipowners' work. The principle which the Bill followed was the right mode of dealing with the matter; it prevented men doing wrong rather than undertaking their work for them; it was a terror to evil doers without harassing those who did well, while the contrary plan would be a terror to well doers, and a screen, and impunity for those who did ill. Both plans were preventive in theory, but the one was effective practically, the other a delusion. That Government officers should undertake the survey of every ship, with any real effect, or justifiable pretence of giving a certificate of seaworthiness on every voyage, would be a delusion. Even the present survey which the Legislature had imposed on the Board of Trade was more than the present staff of surveyors could satisfactorily perform. His opinion was confirmed by what he had seen the other day upon the Tyne, crowded with ships, loading with great celerity, and going to sea at all hours of the night and day. It was not to be supposed that the officials would be able even to know the draught of water of all the vessels which so went out, and if the principle of survey which had been proposed were adopted it would probably be found necessary to quintuple the number of surveyors, and the end of it would be that a sort of bill of safety would be given by the Government without any adequate security to every ship screening their owners from all liability. It was proposed, on the contrary, to

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increase that liability, and to strengthen the office for the purpose. The Government intended not only to increase the staff of surveyors, but to establish a higher class of officers as superintendents, who, posted at the principal ports of the Kingdom, might be trusted to act upon their own responsibility, without in all cases referring, in the first instance, to the Board of Trade. If the Government were to attempt to carry into effect a general survey it would be out of their power to provide a sufficient staff of surveyors, and still more to get this higher class of superintendents without whom the proceeding would be a simple sham. An incomplete and unreal survey would be more dangerous than the present defective police, and would be attended with the worst possible consequences. The House must consider, in weighing the proposition of the hon. Member for Derby (Mr. Plimsoll), how far he had found it tenable himself. That hon. Gentleman had repeatedly found it to break down under him. His first proposal was that the Government should undertake a universal survey—a survey of the whole Mercantile Marine, comprising about 26,000 ships, and that this survey should be repeated from year to year, as would be necessary if it were to be of any use. The hon. Member found this proposal utterly impracticable, and he tried to free it from obvious objection on that score by agreeing to except from that survey the best lines of ships, such as the Cunard, which would not need it. In his Bill of this year the hon. Member extended the exception—he proposed now that the Government should undertake to survey only unclassified ships. But what did that mean? Why that the Government should enter into partnership with private registry associations with classified ships. But, in the first place, a Government survey must be very different from a private classification, not only different in its actual meaning and value, but still more different in the way in which it would be understood throughout the country. On that ground alone it would be impossible that Government could enter into partnership with private associations. In the second place, it would be a difficult question what associations in partnership with Government survey, to recognize. Of course, Government would recognize Lloyd's and the Liverpool Association,

and it would be difficult to refuse American registration, and the Veritas, and private clubs. The hon. Gentleman said that the Board of Trade should decide what associations should be recognized. That would be a very delicate function he would throw on the Board of Trade. But supposing the Board of Trade, with greater sagacity than the hon. Member generally gave it credit for, made a wise selection, what then? Classification and terms of registry varied perpetually and must vary. Competition led to constant change and lowering of standard. The Government would either have to adopt some sort of average standard among all the associations, or it would have to dispute every standard which differed from its own. At all events, the Government would get implicated in a most uncertain and capricious influence on the insurance of ships and the liability of owners. In fact, the hon. Gentleman himself had made a complete exposure of the unsuitableness of his own proposition. But even if we could get a test of seaworthy construction and state of repair, there were other elements which would have to be taken into consideration when deciding on the seaworthiness or unseaworthiness of a ship on every voyage. The lading and equipment of the ship, and the character of the crew, among other things, would have to be taken into account. What to his mind was the worst part of the hon. Member's plan was that it would remove the last check upon the carelessness and negligence of shipowners, and he had found, generally speaking, that the best shipowners did not want this survey, but that the worst were ready enough to accept it. The object of the Government in framing their Bill had been to interfere as little as possible with private enterprise while taking security of the owners for the safety of vessels and for the lives of those who were on board of them. This was the principle of all our laws. We sought to stop crime, but we do not search everybody's pockets from time to time to ascertain they contained no stolen property. If we interfere in reference to sanitary arrangements we did not search every house, but only those which were suspected; and in reference to public health the Government had generally kept to the line that they should remove nuisances only. The Government had never con-

templated guaranteeing the seaworthiness of all ships, but only stopping unseaworthy ships; and they had found the greatest difficulty in doing this without injury and mischief, and their attempts had not been so satisfactory as they could have wished. It was a very difficult and delicate task for an officer at a distant port in England, however honest and sagacious he might be, to report to London that a ship that was about to sail was unseaworthy, and the delay occasioned might entail the gravest loss and injury to the shipowner without justification, and without benefit to anyone. Surveyors frequently differed in their judgment as to the seaworthiness of ships, and any attempts at laying down rules for their guidance, was full of hazard, and might occasion the gravest consequences to the mercantile community. He had himself found the subject a most difficult one, and the duty he had to discharge in connection with it was not the most satisfactory part of the work he had to perform. The question was brought prominently before the consideration of the Royal Commission; and it was proposed that there should be a load-line fixed so that there might be no uncertainty, because everybody could see the line. But there occurred the insuperable difficulty of how the load-line was to be fixed, because it would have to be based upon half-a-dozen kinds of variable data. There was the question of the construction of the ship. One kind of cargo also would require a different load-line from that which would be required by another kind of cargo. A ship which was going across the Atlantic or the Bay of Biscay would require a totally different load-line from the same ship going only to the Baltic or about the coast. The seasons of the year required different load-lines. The Royal Commission, therefore, said that they were not prepared to recommend a fixed load-line; they were not ready either to recommend an elastic load-line; and they thought it a most reasonable mode of proceeding not to come to any decision until the provisions of the recent Act had been tried for, at all events, a year or two. The experience of the Acts of 1871 and 1873, he confessed, had not been very satisfactory, the judgment and the reports of the various surveyors made to the Board of Trade having

about them so much uncertainty as in itself amounted to a very grave evil. The general proposition he intended to make in Committee upon the Bill was, that shipowners should upon every entry for clearance of their ships make a declaration stating the maximum figure in scale of feet on the sides of their ships beyond which they did not intend to load them. This declaration should be made at the Customs, and entered in the log and articles of agreement with the seamen. He should, however, modify that proposition to this extent—that the declaration in question need not be made for every entry for clearance when the ship continued in the same service and carried the same kind of cargo. The shipowners might if they chose send a notice of such declarations to the Board of Trade, and if the Board of Trade made no objection to the terms of those declarations it should have no power to stop any ship which had the declared load-line above water. He thought that this proposition would meet the difficulties of the case as well as was possible. The remaining class of clauses related to the liability of the shipowners. He had already given Notice of a clause which he should propose to substitute for Clause 41 in the draft Bill. Under the Act of 1862, which formed the existing law on the subject, the liability of the shipowner for damage done on board his ship without his fault was limited to £8 and £15 per ton, and where he was in fault his liability was unlimited—that was to say, he was thrown back upon his common law liability to the full extent of the damage done. It appeared to him that the words “unlimited liability,” as used in the draft clause, had been introduced unwisely, as it meant no more than the existing liability to the full extent of damage. The only novelty proposed had been the extension of liability to the act of an agent. He proposed to substitute a clause that would merely render the shipowner liable to the extent of the damage his own act had caused, and that he should not be able to contract himself out of this liability by any bill of lading. It was ascertained that it had not been the view of the Commission that the owner should be liable for unseaworthiness caused by the acts of his agent done without his knowledge at a distance, the draft clause had, therefore,

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been withdrawn as too severe and stringent. The new clause to the effect that no shipowner should be able by his bill of lading to contract himself out of the limited liability to which he was now exposed for damage caused by unseaworthiness, as far as he had been able to ascertain, there would be no objection to. He was deeply interested in the success of this Bill. He did not take any credit to himself for the draft, for he was indebted for, what he was sanguine to hope would be a satisfactory and permanent measure, to the very eminent ability and industry of the officers of the Board of Trade; and he believed that there was no Department of the Government the head of which was more ably supported. For his own part, he had carefully investigated and tested the merits of the Bill to the utmost of his power, and had taken every means by communication with all the different classes interested to ascertain that it was the best proposition that could be submitted by the Government to Parliament on this most important subject.

MR. T. E. SMITH: May I ask whether it is obligatory to insert the draught of water in the declaration?

SIR CHARLES ADDERLEY: Yes; it is obligatory to make the declaration, but not to send notice to the Board of Trade. All he could say, in conclusion, was that in the discussion of this Bill, he hoped the House would bear in mind that they had all the same object in view, and that the only question between them was, which was the best way of accomplishing that object. He hoped the discussion would not be apparently divided between sailors' friends and shipowners' friends, for there was no such division among them in this debate. He was sure that there was no one in that House who did not wish to guard the seamen from all unnecessary risk—it went to the heart of Englishmen that everything should be done to effect this. All that the Government asked to-night was that the Bill should be discussed on the second reading with the view of determining whether it was based on a principle which would most effectually carry out that object. With that feeling he moved the second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Charles Adderley.*)

MR. GRIEVE: Will the right hon. Gentleman state what he proposes to do with the first Schedule?

SIR CHARLES ADDERLEY: I propose to retain that Schedule, but to make alterations in it.

MR. NORWOOD begged to assure the right hon. Gentleman who had just sat down that in moving his Amendment he was actuated by no feelings of factious opposition. It was true that he had, on more than one occasion, in that House, expressed the opinion that, so far from requiring more legislation, the Merchant Marine suffered from an excess of Parliamentary and Departmental supervision; but he frankly admitted that it was impossible for the Government, on the Report of the Commission on Unseaworthy Ships, not to endeavour to carry out its suggestions; and if his objections to the Bill were confined simply to its provisions, it was probable he would not have troubled the House at this stage, but would have endeavoured to alter clauses in Committee. The right hon. Gentleman, in his opening remarks, expressed the feeling of responsibility which he, as head of the Board of Trade, entertained in introducing this important Bill. He (Mr. Norwood) trusted the House would allow him, an humble Member of the House, to say that he participated, in some degree, in that feeling of responsibility. He felt that, on the present occasion, the House had a right to expect from a practical shipowner a candid expression of his views upon the main questions involved in the Bill; and he would therefore endeavour to divest from his mind the thought that he was speaking on behalf of any class of his constituents, and recollect above everything the great national importance the measure assumed. The right hon. Gentleman entered at some length into the details of the Bill. He deprecated too close an examination of those details, because he said the proper time to consider them was in Committee; but when he informed the House that it was his desire to commit the Bill, after the second reading, in order that he might reprint it with Amendments, he (Mr. Norwood) thought it was reasonable that those who had suggestions to make should have an opportunity of doing so, and he hoped the right hon. Gentleman would think it desirable to

accept some of them. The Bill was virtually built upon the Report of the Commission on Unseaworthy Ships, and as that was his first opportunity of addressing the House on the matter since the reception of the Report, he thought it only right that he should pay a tribute of gratitude on behalf of the shipping interest to those who sat on the Commission. They conducted their investigations during two Sessions. A more laborious, and a more independent Commission never sat, and their Report contained a complete analysis of the matters brought before them. When hon. Members examined the Bill of the right hon. Gentleman, they would be scarcely surprised that he (Mr. Norwood) was somewhat disappointed with its contents. He did not think the drafting of the clauses had been so well considered as it ought to have been; and he saw in it too much of the hand of the lawyer—perhaps, he might say the criminal lawyer. There was a part of the Bill he could not agree with, though it followed the recommendations of the Commission. He alluded to the preremptory abolition of advances to sailors. He admitted that some evils did arise from the abuse of them; but, as a practical man, he doubted whether it was possible, in the present condition of their seamen, at once to do away with those advances. It was a growing custom in the Baltic and other short trades for seamen to supply themselves with provisions. Now they were not a class possessing capital. Their earnings were small and precarious, and he doubted their being able to lay in a stock of provisions without obtaining an advance. As to giving a captain the power to deduct a portion of a man's wages for provisions or clothing, in course of time it would degenerate into "Truck." It was impossible to do without advances in foreign ports. The desertion of British seamen from their ships in ports where wages were high, was such that many ships were almost denuded of sailors. The only way to obtain men was to make a considerable offer in the way of advances. The advance given in British ports, he thought might be limited to a certain sum. He ventured to suggest £1; but he was of opinion that there should be no limit at all to the right of giving advances in foreign ports. The discipline clauses, from 9 to 24 of the Bill,

were practically re-enacting clauses, which the Schedule repealed. They were the original clauses in the Act of 1854, though in one or two instances offences were enlarged and punishments were increased. He gave the right hon. Gentleman credit for his intention; but, as a shipowner he objected to meddling with those discipline clauses. They had caused irritation to the sailor, and, as a practical man, he should have been quite content to have had recourse, as he could now, to the clauses of the Act of 1854. One objection to the Bill was that it was too much a Bill of Pains and Penalties. It contained too much in the shape of coercion, and too little in the shape of encouragement. The next important clause he would refer to was the one with reference to training ships. He was much disappointed with that clause. He thought the shortcoming of the Bill was, that the Government had not sufficiently considered the recommendations of the Commission with reference to the necessity of some steps being taken to secure properly qualified seamen. The Government proposed to take from the Mercantile Marine Fund a certain sum for the education of boys. The surplus on that Fund was entirely derived from light dues, and it was not right that they should take what was contributed to, and belonged to a certain extent, to foreigners for a purely national object. Only three years ago a great reduction was made in light dues from those profits, amounting to about £80,000, to the relief of shipping. He was one of those who went so far as to say that it was the duty of a great country like England to light its own coast, and that light dues ought not to be charged on merchant ships. The Royal Navy and yachts paid no light dues, nor did foreign ships sailing round our coast, but which did not enter into any of the English ports. He objected then—distinctly and emphatically—to the proposal to divert this surplus from its legitimate application to the reduction of light dues, but he objected further to the inadequate nature of the proposal. The surplus of the Fund last year was only £22,000, and if £15 was allowed for each boy, as suggested, there could only be 1,200 boys assisted; as they required 2 years' training they would only get 700 or 800 each year. There was an-

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other branch of the Bill which would require a considerable amount of attention when they got into Committee, and that was the proposed change in inquiries into Wrecks and Casualties. He was willing to admit that the proposal of the Government was a decided improvement upon the present law, which was certainly in a most unsatisfactory condition. He did not, however, intend now to go into the details of the subject, because he trusted that the right hon. Gentleman the President of the Board of Trade (Sir Charles Adderley) would see his way to accepting the Amendments which would be placed on the Table of the House. The right hon. Gentleman had withdrawn the unlimited liability clause. He was exceedingly glad to find that he had done so, and as it had now disappeared from the Bill, he need say nothing about it, further than to remark that the Government raised much opposition and had given much trouble and anxiety to shipowners by its introduction. The right hon. Gentleman had made an important statement with reference to the load-line, and so far as regarded the general principle laid down he fully agreed with him; for he contended that it would be dangerous to relieve shipowners, to any considerable extent, from the responsibility of managing their own affairs. But the argument would be stronger if there were less Departmental and Government interference than at present. The wonder was, that the Mercantile Marine of this country had assumed such large proportions under the burden of 10 or 12 statutes containing some 1,300 clauses. The proposal of the right hon. Gentleman was one which he could not object to, inasmuch as it was very similar to that embodied in his (Mr. Norwood's) own Bill and Amendments. The line should be placed in the first instance by the owner himself, who ought to be the best judge of the capabilities of his ship, and its principal object should be to remove the complaint that under the present system the seamen had no opportunity of knowing beforehand the extent to which the loader intended to immerse the ship. He intended the load-line to be a notice that to that extent and no further, the owners claimed the right of loading the ship; and if the ship should be immersed beyond

it, from that moment the seamen's liability to serve should cease, and his articles should be discharged. If the Government adopted that suggestion they would require few surveyors at the outports to enforce the law, for the seamen themselves would look well after it. He objected to the Government undertaking a general survey of ships. They were not dealing with the mercantile value of ships, but the saving of life at sea. The classification of ships was no guarantee for security of life, for it was possible that the oldest collier in the Tyne might be more seaworthy than the most costly-built ship. For a ship might be surveyed and passed to-day, and she might be unseaworthy to-morrow. The principle of classification and survey ought to be rejected by the Government. If it was adopted, the public at large would be depending upon a broken reed. He now came to his chief objection to the Bill—on which he based his Amendment—that it virtually ignored the recommendations of the Royal Commission for improving the condition of our seamen and ensuring an adequate supply of qualified men. That was a subject of national importance, for it was admitted on all sides that our seamen were deteriorating, and their condition becoming more and more unsatisfactory. The Commissioners, in the opening paragraph of their final Report, called attention to its important bearing on the loss of life at sea by pointing to the fact that a ship might possess the highest class at Lloyds, be well fitted and stowed, and yet be unseaworthy from the want of skill and care in the master and officers and of an efficient and sufficient crew. They supported that statement by a Return showing that out of 1,096 Board of Trade inquiries, excluding collisions, there were 60 casualties, involving the loss of 86 lives, arising from defect in the stowage or construction of the ship; and that in 711 casualties, 1,371 lives were lost from the neglect of the crew or the bad navigation of the masters. The magnitude of this subject would be seen from the fact that on the 31st of December, 1873, our registers contained 21,421 sailing ships and 3,662 steamers, together 5,681,963 tons of shipping, and, excluding masters, employed about 203,000 men. He did not refer to the fishermen round the coast—a class of

men whose condition was satisfactory—and he trusted that the Government would look after them for the reserves. Of the above 203,000 men, he regretted to say, there were 20,591, or $11\frac{1}{2}$ per cent of foreigners, and only 15,000 boys—of whom about half were apprentices—to supply the constant waste of seamen from various causes. He gladly admitted that the greater number were well conducted, hardworking men, who understood their business, but unfortunately there was a considerable residuum of inferior men, whose moral condition was very unsatisfactory. A large number of them had little experience at sea, and were, in fact, impostors, for they shipped as A.B.'s when they had not the slightest claim to the title, had gone through no apprenticeship, and had little acquaintance with the working of a ship. The causes of this evil were two-fold. One was the great expansion of our merchant shipping, and the extent to which steamers had supplanted sailing ships. The demand of late years had exceeded the supply of trained seamen, and masters were often compelled to complete their crews with almost any men that offered. It was very difficult to make good seamen on board a steamer, and space being so valuable there was little room to accommodate a number of boys; consequently steamers, as a rule, did not carry boys. There was no doubt that in physical condition a considerable proportion of our seamen were certainly not A.B.'s. Dr. Leach, the able and experienced medical officer of the port of London, informed him that disease of various kinds existed among these men to a large extent. Vessels were leaving port continually, and when they got into blue water one-third of the crew were found incompetent as A.B.'s, either from disease or want of proper knowledge, and the work was inefficiently performed. The result was loss of life at sea. He (Mr. Norwood) could adduce evidence of the most important character from Constantinople and from China to show the serious deterioration as to conduct and *physique* of our seamen, while the investigations of the Liverpool Committee, and the evidence before the Royal Commission were to the same effect. There was also an argument which he would address to the Chancellor of the Exchequer. Not

Mr. Norwood

less than £38,000 a-year, taking the average of the last few years, had been paid out of the Consolidated Fund to bring home seamen who, having been placed in hospitals abroad, were brought back at the expense of the nation, and who too often re-shipped to perform duties for which they were incompetent. The other cause of the deterioration of our seamen was the abolition of apprenticeship. In the five years, when compulsory apprenticeship existed, no less than 58,700 boys were apprenticed to the Mercantile Marine; whereas in the last five years there were only 21,370, or about one-third of that number; and it was a well-known fact that a majority of those apprentices left the service and did not remain at sea. The whole question as to the cause of the deterioration of seamen, and the means by which that evil could be remedied, lay in the fact that a good sailor could only be made by training from a boy; a man in middle life rarely made a good sailor. It was, in his opinion, impossible to revert to the system of compulsory apprenticeship; but he thought the Government might indirectly do much to encourage the carrying of boys in merchant ships, and to enforce the duty of every shipowner to bring up boys for the service. Some large steam shipowners took this view of the case. They said—"We know and care nothing about the deterioration of the men; we can obtain them by our extra pay, and we care not who suffers." That was an attitude with which he had no sympathy. He thought, therefore, that the suggestion of the Royal Commission was a good one—that if a shipowner did not choose to train boys he should pay a certain sum upon his tonnage as a contribution towards training ships and schools. Now, provided that they got a good supply of seamen by a system of training-ships and schools, and that they could induce shipowners to train boys for the sea in greater numbers, the question remained—how to keep them contented and efficient? Without doubt, one great source of discontent amongst sailors was that they had to associate on board ship with a class of men who, while receiving the same wages, were no better than, and whom he ventured to call, impostors. Nothing could be more disheartening to a respectable sailor, with a thorough knowledge of his business, than to find that

on board ship he was doomed to associate with men who were physically and nautically incompetent to do their share of work. What was the meaning of A.B.? It was able-bodied. It meant not only that a man should have sufficient nautical skill, but that he should be physically able to do the work required from him on board ship; and he thought it would be well if all A.B.'s were required to produce a certificate at the time of engagement as to their nautical and physical capacity. Some hon. Members would probably object that it would tend to increase the rate of wages to able-bodied seamen; but, if they could get the article required, most shipowners would be happy to pay a higher rate of wages. If the Government would take the matter in hand in a discriminate manner, commencing with the A.B.'s, and show men that by proving themselves competent to do their work in a seamanlike manner that they would get 10s. or £1 a month extra, a great benefit would be conferred not only upon sailors but upon shipowners. No doubt a medical examination presented difficulties which would have to be surmounted by judicious arrangements, and he would suggest that a Government surgeon should inspect the men at their own houses if desired; but he believed that the moral and social position of the A.B.'s would be raised, and the effect would be to keep together a first-class body of men in their Merchant Marine. With respect to training ships, he was not satisfied with their present state. They were managed at a very considerable cost to the country. The double system of industrial school ships, and the sending of two classes of boys into them, was not satisfactory. There was no guarantee that the boys would remain in the service. Many of them did not enter the sea service, and he doubted whether one-third of those paid for by the country remained in that service. He hoped the Government would not encourage these *quasi*-criminal schools, but would encourage the humble and honest parents of children at our ports in preference. He considered the statement of the right hon. Gentleman opposite was, upon the whole, a satisfactory one, though he hoped to receive some assurance that the Government would grapple resolutely with that most fruitful of all causes of maritime

disaster—the carelessness and incompetency of the crews. He did not look upon the present state of affairs as regarded casualties as being permanent; on the contrary, he believed they were going through a very abnormal period, and he had a strong hope and belief that before two or three years had elapsed they would find their shipping casualties very much less in number. For himself and his hon. Friends who represented seaports, he could say that they recognised their duty and protected the interests of those whom they employed. He protested against the manner in which shipowners were branded as men incapable of those proper feelings which actuated every Englishman; and he declared their sincere desire to improve the condition of those who rendered such important services to the country as our seamen, and their willingness to co-operate with the greatest cordiality with the Government to that end. He begged to move the Amendment of which he had given Notice—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "any measure purporting to amend the Law affecting Merchant Shipping is insufficient and unsatisfactory which does contain provisions for securing a supply of properly qualified Seamen by encouraging the carrying of Apprentices on board Ships, and the establishment of Training Ships, and which does not provide for a Medical Examination of Seamen upon their engagement at a Shipping Office," — (*Mr. Norwood*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. T. BRASSEY said: The hon. Member for Hull (*Mr. Norwood*) has done well to invite the attention of the House to the supply of seamen for the merchant service. When we are assured that our seamen are declining in efficiency, it is most important to ascertain how far that opinion is supported by the facts of the case. Several witnesses before the Commission on Unseaworthy Ships spoke strongly to the deterioration of our seamen; but the most important evidence in support of this view of the case was furnished by the Committee of shipowners formed at Liverpool in 1870. This Committee not only investigated

the actual condition of the merchant service, but they undertook the far more difficult task of contriving a remedy for the evils of which they complained. They suggested that seamen, before being rated as A.B., should obtain a certificate of competency; that advance notes should be declared illegal; that sailors' boarding-houses should be licensed and under inspection; that the Government should invite foreign Powers to put down the crimping system abroad; that there should be additional training ships; and that a compulsory benefit fund for seamen should be established. Turning from the dark to the brighter side of the picture, it is to be observed that shipowners are not unanimous in condemning the seamen of the present day. As a rule, the owners of steamships are satisfied with their men. There is, however, great difficulty in procuring good crews for sailing ships. Mr. Beazley, of Liverpool, whose interest in the question has never flagged, made the same complaints to the Committee of 1860 on Merchant Shipping. Then, as now, the disparaging statements made on the one side were refuted by the more favourable opinions of other witnesses. Again, we are assured that our ships are manned by foreigners. Undoubtedly many foreigners are employed under the British flag; but their number does not increase. In the year 1872, the percentage of foreigners to British seamen was 11·24; but the corresponding figure for 1864 was 12·6. The introduction of foreign seamen into the national Mercantile Marine is not confined to British ships. In the United States a large proportion of foreigners are employed, not only in private but in public vessels; although the tonnage of that country has not, like our own, been rapidly increasing. The same difficulty is experienced in Germany. Such is the scarcity of seamen on the coasts of the German Ocean and the Baltic, that ships, when ready to go to sea, are sometimes detained for weeks from the impossibility of obtaining a crew. It is said that there is a growing distaste for the sea among the population on the German sea-board, and that the desertions among the ships sailing from Bremen last year amounted to 15 per cent. In our own case, the scarcity of seamen may be explained, not so much by the abolition of apprenticeship, as by

the rapid increase in the tonnage of our shipping, and, especially during the last three years, by the great augmentation in the number and size of sailing ships. There is another aspect of the case, which deserves consideration. If seamanship had decayed as much as it has been supposed, would it have been possible to make continuous reductions in the number of hands required to navigate the ships? The proportion of men to 100 tons, in sailing-ships engaged in the foreign trade, has fallen from 3·93 in 1854 to 2·70 in 1870; and this reduction has not been confined to the most modern type of vessels. I have spared no pains to acquaint myself with the facts of the case, and the many widely differing opinions which prevail on this subject; and it is my firm conviction that, on the whole, the falling off in the quality and character of our seamen is confined chiefly to the long voyage sailing ships. Assuming, however, that their proportion is not greater than it was, there can be no question as to the fact that there are a large number of foreigners employed in British ships, and that among our seamen there are tens of thousands of ill-disciplined and incompetent men. When therefore a proposal is made by the shipowners for the substitution of a system of training in special vessels for the old plan of carrying apprentices, and when, too, we have reason to believe that the State and the shipowners may advantageously work together for a common object, I maintain that it is the duty of the Government not to neglect the opportunity afforded by a happy combination of circumstances. In the view of the shipowners, the training system is now, and always has been, advocated chiefly as a means of enabling them to man their ships with less difficulty than they experience at present. It would clearly be contrary to public policy to entertain the proposal from their point of view. The supply of seamen is, after all, a question of wages, and a proposal to establish training ships at the public charge could not be sustained, if it were made solely for the purpose of enabling a privileged section of employers to obtain skilled labour at a rate below the market value. The Commission of 1859 recommended that training ships should be established solely with the object of recruiting seamen for the Naval Reserve, and

their proposals for the attainment of this object were approved by the recent Commission on Unseaworthy Ships. As to the precise amount to be given in view of the service to be rendered in recruiting for the Naval Reserve, it is a question in which the Admiralty and the Board of Trade must work together. It is for the officers responsible for the naval defence of the country to determine the standard of strength at which the Naval Reserve shall be maintained. The necessary number of the Reserve having been fixed, it then remains for us to ascertain how far we may rely on the merchant service in its actual condition to supply the men we require. Considerable progress has of late been made in recruiting for the Reserve; but we are still far short of the numbers indicated in the Report of Lord Cardwell's Commission. Since the date of that Report, great events have occurred, which should tend to increase rather than to diminish our requirements for national defence. There is no reason to doubt that the Reserve would be found, in the hour of need, a valuable support to the Navy. The opinion of Sir Cooper Key, who commanded the fleet on the only occasion when a large body of these men have been embarked, the Reports of the Admirals who have annually inspected the force, the opinions of those who have been recently in command of the drill-ships—I would specially refer to the Paper recently read by Commander Brent—all tend to establish a favourable impression of the value of this force. Up to this point we have been able to show that an almost unbroken unanimity of opinion exists in favour of the training system; but the same unanimity is no longer to be found when we come to consider the best means of providing the funds required for carrying out the plan. Certain it is that if shipowners desire that a large number of boys should be trained, in excess of the requirements of the Naval Reserve, they must bear their share of the expense. Proposals for granting money from the public funds towards the maintenance of training ships have recently been approved by the Congress of the United States. American shipowners have experienced the same difficulty that we have encountered in obtaining seamen. A recent Act of the

Legislature of New York has authorized the Board of Education of that city to maintain a nautical school, to be conducted under the supervision of the Chamber of Commerce; and, under an Act of Congress of June, 1874, authority has been given for the use of certain national vessels for training purposes, and officers are to be supplied by the Navy to act as superintendents in these school ships. There is a special provision that no person shall be received at such schools as a punishment for crime. The discipline and routine of the Navy are to be observed as far as practicable. The boys are to be trained for a period varying from 18 months to two years, and they are to be awarded certificates of rating and general character, or leaving the training ship. Having made one voyage, boys desirous of continuing their studies in navigation, so as to qualify themselves as mates or captains, can be again received on board the school ships. Under this Act the Navy Department has fitted out for the State of New York a vessel of the United States Navy, and it is intended to establish similar vessels at Boston, Philadelphia, Baltimore, Norfolk, and San Francisco. While I trust that the Government will yield to the force of argument and to the seductive influence of a good example, by giving their cordial approval to our propositions, I am well aware that it is in vain to expect, by any plans for their improvement, that we can overcome entirely the force of the adverse circumstances under which our seamen, from the nature of their calling, are compelled to live. The sailor boy must quit his home at a tender age, and must pass his youth amid the temptations to be found in every seaport. How much, of whatever there is of good, in human nature—frail it must be at the best—is derived from home influences.

“We love the precepts for the teacher's sake.”

In proportion as we value these blessings for ourselves, we shall sympathize with the sailor in his moral and social privations, and rejoice that among his class there are to be found so many who have escaped the contaminating influences to which they are exposed. No provision seems to have been made in the Government plan for a seaman's pension fund. I presume, therefore,

that it is intended that seamen belonging to the Naval Reserve shall alone become eligible for pensions. Unless there be some tie to bind the British seaman to his native country, it is idle to incur expenditure in training up lads for the sea. Two conditions are necessary to prevent desertion. First, the wages must be adequate; and this is a shipowners' question. Secondly, we must establish, in accordance with the recommendation of the Manning Committee of 1860, a voluntary, self-supporting pension fund for seamen, under the encouragement of the Board of Trade.

LORD ESLINGTON apprehended that the Amendment was intended to be rather in the nature of a "rider" to the Bill, than as anything of a hostile character. The spirit in which the measure dealt with the question of the training of seamen was right; but the method in which it dealt with it was extremely inadequate for the purpose. The Amendment might, however, have taken the form of an Instruction to the Committee, and with this advantage—that the Government would have been left free in their course of action; and no one, at least on that side of the House, wished to hamper the Government in this matter. There was one great fact that should be carefully borne in mind in those discussions, which, though they might not promise at that moment to be very animated, would be considerably prolonged. That great fact was the state of public feeling on that question. Whenever the account of a shipwreck reached this country the heart of the nation was very much stirred, and it was only natural, when feeling and sentiment entered into such a matter, that a certain amount of exaggeration should arise, and with it, also, no small amount of misconception as to the cause of the disaster. Due respect must be paid to that feeling, which they admired, because it originated in the natural impulses of men. But, further, they must be prepared to sacrifice some opinions, possibly of long standing, in deference to that state of public feeling, provided, of course, they did not allow that sacrifice to go beyond the limits which reason and common sense assigned to it. The shipowners of this country had lately shown that they were prepared to make some concession to the state of public feeling

on that subject, and great credit was due to them for the action they had taken in that respect. He was very sorry that the means did not exist for bringing to the actual test of fact the amount of loss sustained at sea, because the older records of such casualties were so imperfectly kept that it was impossible to apply to them the only true test—namely, the relation and proportion they bore to the amount of tonnage at present employed; to the number of persons at any one time on the sea; and to the number of voyages the ships made, which were now, of course, largely increased by the substitution of steam power for sails. But the public were apt to be carried away by the bare statement of the loss of life, which, however painful in itself, was, in a national point of view, a very uncertain guide indeed. They were prone to forget the vast increase of our commerce, and the unconquerable nature of the elements in the face of which it was carried on. They would presently have to consider the question of classed and unclassed ships, as to which the figures were very instructive, and also consolatory to some extent. An analysis of loss of life by shipwrecks in the six years from 1867 to 1872 showed that the whole number of lives lost was 12,048, or about 2,000 per annum; and of that entire number 6,105 were lost in classed ships, while 5,943 were lost in unclassified ships. That was a curious state of things, when it was said it would be a great preventive of loss of life at sea to have a compulsory classification of ships. With regard to our coasting trade, the Returns were so accurate, that the calculation of the loss of life could be made to a nicety. In 1856 the tonnage entered and cleared in the United Kingdom was 10,970,000 tons; and in 1872 it was 25,714,270. In 1856 the number of lives imperilled on the coast of the United Kingdom was 2,764. The lives saved were 2,243, and the lives lost were 521. In 1872, when their tonnage had increased by 15,000,000 of tons, the number of lives imperilled upon their coast was 5,224. The number of lives saved was 4,634, and the number of lives lost was 590; so that only 69 lives were lost more than in 1856, though the tonnage had increased by 15,000,000 of tons. He did not quote these figures as a reason why they should not take every possible precaution to save life at sea, because that

Mr. T. Brassey

noble institution the Life Boat Association, played a mighty part in the saving of life, and no praise which the House of Commons could bestow upon that institution was too high for its noble and successful efforts, but to show that on our coasts at least loss of life did not increase largely with the increase of trade. In seeking to guard by every possible means against loss of life, there were two distinct policies which presented themselves. One was, in effect, to put the shipowner's business in commission. It said—"We will fix his load-line, we will insist upon compulsory classification, we will certify the iron which he uses in building his ship." This was a policy which weak men and some careless men would gladly embrace, for it would relieve them from a responsibility which rendered them timid, and which, indeed, was more than some minds could bear. But strong men, who were conscious of a capacity to transact their own business, would reject that policy, and the result of its adoption would be to drive many of the most competent shipowners to other pursuits. Moreover, it was not a policy which was likely to serve the object they had in view—namely, the saving of life and property at sea. The second policy—and it was that of the present Bill—was to leave the shipowner free to build his ship, to equip his ship, to stow his ship, and to send her to sea as he pleased, subject to the condition that he must send her to sea in a seaworthy condition, and that heavy penalties would be incurred when this requirement was infringed. This was an intelligible policy and was an honest endeavour to carry out the recommendations of the Royal Commission. That Commission and its Report had met with a good deal of criticism, particularly at the hands of the hon. Member for Birkenhead (Mr. MacIver), who objected to the constitution of the Commission and asserted that its Members were so constituted, and had adopted such a course, that they could find out very little. He said they had found out very little; but it was wonderful they had found out anything at all. One thing, however, they had found out and promulgated—namely, that it was a very unwise course to hamper British shipping with unnecessary trammels, and that was a considerable discovery, if judged by past experience.

In 1849, when the Navigation Laws were repealed, the shipowners went to Mr. Labouchere, who was then at the head of the Board of Trade, and said—"If you sweep away these laws, you must improve the condition of the seamen." The Board of Trade was struck by the force of their statement, and the result was that in the great commercial Code of 1854 there were many provisions passed bearing on the welfare of seamen. But it was not foreseen that by establishing shipping offices under the superintendence of representatives of the Board of Trade a great doubt would be created in the seaman's mind as to whose servant he really was. He was led to feel that he owed a kind of double allegiance, and this fact had a very material bearing on the question of the deterioration of the class, for the result of that legislation had been extremely prejudicial to the maintenance of discipline on board ship. The Royal Commission not only found out the inefficacy of the past policy, but ascertained also that if good seamen were wanted they must be trained. It was strange that a Royal Commission should be required to teach Parliament that self-evident fact. He should have thought the experience of the Royal Navy was sufficient to have told Parliament that if they wished to have good seamen they must train them. They might build the best ships, stow them in the best manner, and have them owned by the best of men, but unless they were sent to sea with seaworthy crews all their efforts would be in vain. The discipline clauses of this Bill, which were very severe, were re-enactments of the existing law with increased penalties, but that law had been a considerable failure as regarded the improvement of seamen, and he would ask the House to consider whether, if they imposed heavy penalties and treated seamen with severity, they were not in duty bound to listen to seamen's grievances when presented to them, with the view of applying a remedy. The inevitable effect of harassing legislation would be to drive our ships under foreign flags. He once remarked that it was a dangerous thing to encourage foreign competition, and he was told that British workmen were not afraid of it. The surveys carried on under the Act of 1873 had been in some cases irritating, oppressive, and very expensive. He

should like to know from his right hon. Friend the President of the Board of Trade why the cost of surveys carried out by the Board of Trade should be treble, quadruple, and sometimes five times as much as surveys conducted by Lloyd's? He would not mention the names of ships, though he would give them privately to his right hon. Friend; but in one case, while a Lloyd's survey cost £3 15s., a Board of Trade cost £16 12s.; and in another case, while a Lloyd's survey cost £4 5s., a Board of Trade cost £12 19s. The fact had been communicated to him from a small port which he represented, that since the passing of the Act of 1873, 9 per cent of its shipping had been transferred to foreign flags, and 150 of its best seamen had gone to work in mines and manufacturing. He quoted that fact as a warning against harassing legislation. A third discovery was made by the Royal Commission. They ascertained that the Board of Trade, as at present constituted, was—he would not use so strong a term as incompetent—but utterly inadequate for the performance of the duties which Parliament imposed upon it. He was disappointed that, when they were going to legislate anew, a re-construction and strengthening of the Board of Trade did not precede this new legislation. Would it be believed that, up to a few weeks ago, this public Department, charged with the supervision of the two mightiest interests in the world—the railway and the shipping interests of this country—notwithstanding the mass of legislation it had to administer and watch, was compelled to beg, borrow, or steal legal advice from the Department of the Customs whenever it required it? His right hon. Friend had now supplied that defect, and for the first time in the history of the Board they had got a legal adviser of their own. He (Lord Eslington) said, without fear of contradiction, that the position of his right hon. Friend was not a proper one. He said distinctly that the President of the Board of Trade, charged with the supervision of these gigantic interests, ought to be a member of the Cabinet. He could not bring forward his measures or command the time and attention of Parliament with that authority which he ought to do, unless he was a member of the Cabinet. He ought to fill a higher position than that of being occasionally

examined as a witness before the Cabinet. We had got into the extraordinary habit of passing a Merchant Shipping Bill once a year. The great Code of 1854 imposed enormous duties on the Board of Trade in relation to lights, signals, compasses, pumps, and other matters, and the Act of 1873 gave it power to inspect a ship's machinery. It was remarkable that in the matter of coloured lights science had not produced a light which came up to the standard required by the Board of Trade. Recently a shipowner ordered the most improved boilers, of economic construction, from a most eminent firm, and the pressure was to be 70 lbs to the square inch. The Board of Trade Surveyor at first refused to pass them at a greater pressure than 48; after three months correspondence he rose to 60, and finally he rose to 70; but supposing the owners had been wanting in pluck they would have agreed to 48; they would then have lost a third of their motive power, and they would have navigated the ship at a greatly increased cost. He had said that the shipowners had shown of late a praiseworthy spirit of concession and compromise in this matter. They had many of them sacrificed a long-entertained opinion against a load-line. He confessed he did not like a load-line, because when once established there would always be a disposition in the charterer to insist on the ship being loaded to that line, whatever the nature of the weather, the cargo, or the circumstances of the voyage. Moreover, the establishment of a load-line necessarily tended to lessen the responsibility of the shipowner. The idea of a fixed load-line applicable to all ships was utterly absurd; but to fix a load-line with the consent of the builder, the owner, and a competent surveyor of the Board of Trade was in the nature of a compromise that had been thought of, and a good deal might be said in its favour. He entirely disagreed with his hon. Friend the Member for Hull (Mr. Norwood) as to the abolition of advance notes. It was abroad their effect was most injurious. If wages were high in the port at which the ship arrived, there was a tendency in the seamen to desert to get higher wages, and with these higher wages the advance note immediately got into the hands of the crimp. If, on the other hand, wages were low, some captains would rather

Lord Eslington

connive at desertion, so that they might ship their men at easier rates. The advance note abroad was a direct stimulus to desertion. On the abolition of the advance note the opinion of the Commissioners was unanimous, and he was glad to see that that recommendation was adopted by his right hon. Friend. The Government Bill presented a sound basis, and the present moment was very favourable for legislation on the subject. His right hon. Friend had mastered the subject; he had not shown great pertinacity in sticking to his own ideas, but had acquainted himself with the opinions of the shipowners; and perhaps he would have done still better if he had taken them into his counsels somewhat earlier. In conclusion, he would remind the House that the eyes of the maritime nations of the world were at this moment fixed upon what England would do in this matter. Foreign nations had no jealousy on such a subject, but would gladly follow in our wake, if the House should be able to frame a sound working measure, which would combine the utmost security to life with the minimum of interference with the conduct of shipping and mercantile enterprise.

MR. A. PEEL said, he was during 1872-73 Secretary to the Board of Trade, and he mentioned that fact because it was during that period that the hon. Member for Derby (Mr. Plimsoll) commenced his agitation, wrote his book, and enlisted his services in the cause of the merchant seamen of this country. He was able to say with some authority what was the amount of influence the hon. Member exercised upon the legislation of the country. He was willing freely to admit the services that the hon. Member rendered to the cause of the merchant seamen, and that he was actuated by disinterested motives on their behalf; and if the hon. Member did not wake up the Department—which he (Mr. Peel) should be sorry to admit he did—he supplied that stimulus of outside feeling which was necessary to enable the Department to carry out the measures they were resolved upon. Without that feeling among the public outside, the legislation of that period would in the then state of the House of Commons have been impossible. The noble Lord (Lord Easington) had alluded with some feeling to the plethora of legislation on the subject of the Mercantile Marine. He quite

agreed with the noble Lord. He trusted that the Bill would be read a second time, and that it would be the means, not, perhaps, of finally settling the matter, but, at all events, of securing stability of legislation for some years to come to an interest that had been too much harassed by constantly recurring schemes of amendment of the law. His first impression was that the Bill bristled with penalties, and that although it was to a considerable extent a mere reproduction of existing legislation, yet that where it proposed to amend the existing law, it did so in the direction of increased stringency. He doubted whether it was good policy to introduce new penal clauses of such stringency. The existing provisions directed against the same offences were not carried out, and if the penalties were increased there would be no guarantee that they would touch the offenders. By the Bill mutiny at sea was made a penal offence, and it was also penal for a seaman to be found asleep at his post. Under the existing law, however, a seaman could be proceeded against penally, who by his neglect directly affected the life and safety of those on board his ship. He did not know whether the new Bill would be more efficacious than the present law. The Bill also made the shipowners liable in response to the public feeling that life was unsafe at sea, and that it might be made more safe if penalties were attached to offences which the law could not now punish. The existing law, however, made shipowners liable for acts of negligence leading to loss of life at sea. He was glad that the right hon. Gentleman had modified the stringency of the clause as it originally stood.

SIR CHARLES ADDERLEY said, that the liability of the owner was not increased, but he was made liable for the act of his agent.

MR. A. PEEL said, that however that might be, a seaman who neglected to keep a proper look-out was punishable at present; but the instances were so rare that one of the witnesses before the Royal Commission said he did not remember a single case of prosecution for this offence. What was the use, therefore, of increasing the penalties when not a single man had been brought to punishment for breach of the present law? At the same time,

should like to know from his right hon. Friend the President of the Board of Trade why the cost of surveys carried out by the Board of Trade should be treble, quadruple, and sometimes five times as much as surveys conducted by Lloyd's? He would not mention the names of ships, though he would give them privately to his right hon. Friend; but in one case, while a Lloyd's survey cost £3 15s., a Board of Trade cost £16 12s.; and in another case, while a Lloyd's survey cost £4 5s., a Board of Trade cost £12 19s. The fact had been communicated to him from a small port which he represented, that since the passing of the Act of 1873, 9 per cent of its shipping had been transferred to foreign flags, and 150 of its best seamen had gone to work in mines and manufacturing. He quoted that fact as a warning against harassing legislation. A third discovery was made by the Royal Commission. They ascertained that the Board of Trade, as at present constituted, was—he would not use so strong a term as incompetent—but utterly inadequate for the performance of the duties which Parliament imposed upon it. He was disappointed that, when they were going to legislate anew, a reconstruction and strengthening of the Board of Trade did not precede this new legislation. Would it be believed that, up to a few weeks ago, this public Department, charged with the supervision of the two mightiest interests in the world—the railway and the shipping interests of this country—notwithstanding the mass of legislation it had to administer and watch, was compelled to beg, borrow, or steal legal advice from the Department of the Customs whenever it required it? His right hon. Friend had now supplied that defect, and for the first time in the history of the Board they had got a legal adviser of their own. He (Lord Easington) said, without fear of contradiction, that the position of his right hon. Friend was not a proper one. He said distinctly that the President of the Board of Trade, charged with the supervision of these gigantic interests, ought to be a member of the Cabinet. He could not bring forward his measures or command the time and attention of Parliament with that authority which he ought to do, unless he was a member of the Cabinet. He ought to fill a higher position than that of being occasionally

examined as a witness before the Cabinet. We had got into the extraordinary habit of passing a Merchant Shipping Bill once a year. The great Code of 1854 imposed enormous duties on the Board of Trade in relation to lights, signals, compasses, pumps, and other matters, and the Act of 1873 gave it power to inspect a ship's machinery. It was remarkable that in the matter of coloured lights science had not produced a light which came up to the standard required by the Board of Trade. Recently a shipowner ordered the most improved boilers, of economic construction, from a most eminent firm, and the pressure was to be 70 lbs to the square inch. The Board of Trade Surveyor at first refused to pass them at a greater pressure than 48; after three months correspondence he rose to 60, and finally he rose to 70; but supposing the owners had been wanting in pluck they would have agreed to 48; they would then have lost a third of their motive power, and they would have navigated the ship at a greatly increased cost. He had said that the shipowners had shown of late a praiseworthy spirit of concession and compromise in this matter. They had many of them sacrificed a long-entertained opinion against a load-line. He confessed he did not like a load-line, because when once established there would always be a disposition in the charterer to insist on the ship being loaded to that line, whatever the nature of the weather, the cargo, or the circumstances of the voyage. Moreover, the establishment of a load-line necessarily tended to lessen the responsibility of the shipowner. The idea of a fixed load-line applicable to all ships was utterly absurd; but to fix a load-line with the consent of the builder, the owner, and a competent surveyor of the Board of Trade was in the nature of a compromise that had been thought of, and a good deal might be said in its favour. He entirely disagreed with his hon. Friend the Member for Hull (Mr. Norwood) as to the abolition of advance notes. It was abroad their effect was most injurious. If wages were high in the port at which the ship arrived, there was a tendency in the seamen to desert to get higher wages, and with these higher wages the advance note immediately got into the hands of the crimp. If, on the other hand, wages were low, some captains would rather

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connive at desertion, so that they might ship their men at easier rates. The advance note abroad was a direct stimulus to desertion. On the abolition of the advance note the opinion of the Commissioners was unanimous, and he was glad to see that that recommendation was adopted by his right hon. Friend. The Government Bill presented a sound basis, and the present moment was very favourable for legislation on the subject. His right hon. Friend had mastered the subject; he had not shown great pertinacity in sticking to his own ideas, but had acquainted himself with the opinions of the shipowners; and perhaps he would have done still better if he had taken them into his counsels somewhat earlier. In conclusion, he would remind the House that the eyes of the maritime nations of the world were at this moment fixed upon what England would do in this matter. Foreign nations had no jealousy on such a subject, but would gladly follow in our wake, if the House should be able to frame a sound working measure, which would combine the utmost security to life with the minimum of interference with the conduct of shipping and mercantile enterprise.

MR. A. PEEL said, he was during 1872-73 Secretary to the Board of Trade, and he mentioned that fact because it was during that period that the hon. Member for Derby (Mr. Plimsoll) commenced his agitation, wrote his book, and enlisted his services in the cause of the merchant seamen of this country. He was able to say with some authority what was the amount of influence the hon. Member exercised upon the legislation of the country. He was willing freely to admit the services that the hon. Member rendered to the cause of the merchant seamen, and that he was actuated by disinterested motives on their behalf; and if the hon. Member did not wake up the Department—which he (Mr. Peel) should be sorry to admit he did—he supplied that stimulus of outside feeling which was necessary to enable the Department to carry out the measures they were resolved upon. Without that feeling among the public outside, the legislation of that period would in the then state of the House of Commons have been impossible. The noble Lord (Lord Easington) had alluded with some feeling to the plethora of legislation on the subject of the Mercantile Marine. He quite

agreed with the noble Lord. He trusted that the Bill would be read a second time, and that it would be the means, not, perhaps, of finally settling the matter, but, at all events, of securing stability of legislation for some years to come to an interest that had been too much harassed by constantly recurring schemes of amendment of the law. His first impression was that the Bill bristled with penalties, and that although it was to a considerable extent a mere reproduction of existing legislation, yet that where it proposed to amend the existing law, it did so in the direction of increased stringency. He doubted whether it was good policy to introduce new penal clauses of such stringency. The existing provisions directed against the same offences were not carried out, and if the penalties were increased there would be no guarantee that they would touch the offenders. By the Bill mutiny at sea was made a penal offence, and it was also penal for a seaman to be found asleep at his post. Under the existing law, however, a seaman could be proceeded against penally, who by his neglect directly affected the life and safety of those on board his ship. He did not know whether the new Bill would be more efficacious than the present law. The Bill also made the shipowners liable in response to the public feeling that life was unsafe at sea, and that it might be made more safe if penalties were attached to offences which the law could not now punish. The existing law, however, made shipowners liable for acts of negligence leading to loss of life at sea. He was glad that the right hon. Gentleman had modified the stringency of the clause as it originally stood.

SIR CHARLES ADDERLEY said, that the liability of the owner was not increased, but he was made liable for the act of his agent.

MR. A. PEEL said, that however that might be, a seaman who neglected to keep a proper look-out was punishable at present; but the instances were so rare that one of the witnesses before the Royal Commission said he did not remember a single case of prosecution for this offence. What was the use, therefore, of increasing the penalties when not a single man had been brought to punishment for breach of the present law? At the same time,

he fully agreed that a man who slept at his post was deserving of punishment. For his own part, he congratulated the Government upon what the Bill did not contain, quite as much as for what it did contain. A great deal of courage and determination had been shown by the Board of Trade in resisting the attempts made to introduce two things which he thought would be fatal to the Mercantile Marine, and those were compulsory survey and a compulsory load-line. The policy of a compulsory survey had been completely exploded by the evidence furnished before the Royal Commission. The result would be to reduce the responsibility of the survey to five or six public bodies or private companies, and finally to reduce the responsibility to a single head, which the Board of Trade would eventually cut off, and thus simplify the process of arriving at a Government survey. As to the load-line, it varied according to half-a-dozen different data, or even more. It could not possibly be fixed, and it must be variable according to a great many different conditions. He was certain that the Board of Trade would not attempt to make a compulsory load-line. What the right hon. Gentleman proposed amounted to this—that a shipowner, before clearance, was to state the maximum figure beyond which he did not intend to load, and he might, but was not compelled to, send notice to the Board of Trade, and if they did not object the Board of Trade would not be afterwards competent to stop the vessel on the ground that it was overladen. [Sir CHARLES ADDERLEY: That it is laden above that line.] He (Mr. Peel) saw a very serious danger in this clause—namely, the germ of Government inspection and supervision in the matter of load-line, as in the case of an universal survey. The shipowner was to fix the line, and might send it to the Board of Trade. But suppose he did not send it? There would then be two sets of ships, one having a Government guarantee by having a load-line, sanctioned by the Government authorities, and the other vessels sailing comparatively at their own risk. The latter class, however, would naturally like to have some kind of Government guarantee of their condition, and hence he was afraid of drifting into a system in which the Government might attempt to fix the load-line, but under such

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various conditions that they would often “make the word of promise to the ear, and break it to the hope.” There remained the still more grievous danger of where to stow the cargo, and where the centre of gravity should be. He confessed he should like to have some further guarantee that this load-line would not be supervised or supplemented by the Government, but that the shipowner would be left to fix it on his own responsibility, and that the Government should not be called upon to guarantee the load-line or to free the shipowner from his proper responsibility. The course he had taken with respect to that Bill was based upon a thorough conviction of the fact that there were two lines of policy distinctly before the House, and that the House was now called upon at this crisis of Mercantile Marine legislation to decide definitely between them. The two lines were not parallel, but divergent. One was the policy adopted by the Board of Trade in 1871, further acted upon in 1873, and now supplemented by the Bill of the present year. The other was the policy advocated by the hon. Member for Derby. The House must make up its mind as to which course it would follow. The hon. Member in his speeches had alluded to the questions of survey and load-line; but under which of the surveys the hon. Gentleman had advocated were they to live for the future? The hon. Gentleman had constantly changed his ground as to the load-line he should adopt. In one of his speeches the hon. Gentleman said that the policy he had recommended, and which was carried out by the Board of Trade, had already borne its fruits; that less lives were lost, and that the number of grossly overladen ships sent to sea had diminished. It appeared from a Return to the Board of Trade that in the five months ending the 30th of September last, the number of vessels reported as defective in hull, machinery, or equipment was 118, of which 101 were found to be unseaworthy. On the other hand, the cases of overloading were few, amounting in all to 10. These were proofs that the policy inaugurated in 1871, carried further in 1873, and now sought to be extended, had worked well, and that they ought not to be asked to retrace their steps. Even if that policy was supposed not to be effecting the amount of good that was expected of it, it was too soon to say that

it had failed. He thought that the Government had taken the best course in abolishing the system of advance notes. There would be difficulties, no doubt, but they would right themselves; and, at any rate, the evils arising from the crimp system would receive their death-blow. As to apprentices, there could be no guarantee that when they had entered the service they would remain in it, for the rate of pay was small as compared with what they could earn in other occupations. He contended that though they could not adopt any particular load-line, yet it must be the wish of all to guard seamen against all unnecessary perils; but, on the other hand, there was no desire to make martyrs of ship-owners by constantly harassing them by legislation year after year. He had no desire whatever to shield the few guilty shipowners from the consequences of their malpractices; but he warned the House against embarking in the policy recommended by the hon. Member for Derby, which, though it was prompted by the best, the purest, and the most disinterested motives, might, if carried out, cripple and strait-waistcoat the Mercantile Marine of the country, and stand in the way of that which was an essential condition of its well-being and success—namely free and unshackled action and enterprize.

MR. BENTINCK most cordially endorsed the views of the hon. Member for Hull (Mr. Norwood). He did not think there was anything in the Amendment that was antagonistic to the principle of the Bill; and, should the hon. Member be driven to a division, he would vote for his Amendment; but he trusted that his right hon. Friend (Sir Charles Adderley) would suggest a course which would obviate the necessity of a division. The question before the House involved the actual commercial supremacy, and therefore the very existence of this country, and went much further than any consideration of the well-doing or otherwise of one of our great branches of commercial enterprize. No Government or Board of Admiralty would think of entering upon a great European war unless the Mercantile Marine of this country was in a sound and prosperous state. In his opinion, the whole tendency of recent legislation, since the repeal of the Navigation Laws, had been antagonistic to the well-being of

our commercial and Mercantile Marine. Without entering into the question of the expediency of the Navigation Laws, he asserted that to them was to be attributed not only the welfare of our Mercantile Marine, but the great maritime supremacy of this country for centuries, and when they were repealed a blow was dealt to that service which inflicted injuries upon it that it was high time should be remedied. Turning to the Bill as it now stood, he felt bound to state that in consequence of what he had learnt from the highest authorities on the subject, he had altered his opinion with regard to the policy of advance notes. Although the principle of advance notes was indefensible in theory, they were indispensable in practice, because it was found that without them it would be impossible to man our mercantile Navy. He would suggest that by extending the time for the payment of the advance notes until the man who received them had rendered service for the period for which they were given, the inconvenience arising from this most objectionable practice might be somewhat diminished. It was absolutely necessary, seeing how greatly the present law had been abused, although, perhaps, only in a limited number of cases, and in view of the strong public feeling that existed on the subject, that the question of the load-line must be dealt with, and less inconvenience would result from it by requiring a definite load-line to be marked upon the outside of the ship than by leaving the matter to be determined according to the caprice of the surveyors of the Board of Trade. Steps should also be taken to ensure greater discipline in the Merchant Service, which recent legislation had tended greatly to relax, while there was a tendency on the part of the magistrates to view the misdoings of sailors with a degree of leniency that was altogether fatal to discipline in the Mercantile Marine. There was no greater cause of loss of life at sea than want of discipline, and it was not right that the man by whose negligence on the watch a ship was run into and lost with all hands should be punished merely as though he had committed some trifling fault. The Bill contained some serious omissions. He had heard with great pleasure from his right hon. Friend (Sir Charles Adderley) that one of the great objects of the Bill was to diminish the

risk of loss of life at sea ; but in this Bill all reference to some of the more important and paramount causes of loss of life at sea had been omitted. They had heard a great deal about bad ships. No doubt, bad ships led to a great loss of life ; but he believed that the number of lives lost in ships badly built and not fit to send to sea was infinitesimally small compared with the loss of life arising from other causes, among which none was greater than bad manning of ships. A bad crew would lose the finest ship that ever went out of harbour. The Bill entirely omitted the subject of the manning of ships. Some means should be provided to secure a proper manning of our merchant ships. At present men who did not know the commonest duties of seamen presented themselves to be engaged as A. B.'s. Our merchant ships were not over-manned, and if out of a small ship's company one or two hands were black sheep, that ship's company was inefficient. An act of one of those black sheep might lose the ship. Frequently after a ship had left port the master found that one-half of his men were drunk and the other half incompetent. Could we wonder at the many casualties at sea ? We gave no security whatever to the owner or master of a vessel as to the character or qualifications of the men whom he shipped. In a Bill of this kind, having for its object to decrease risk, should not one of the first things to be dealt with be the furnishing of some guide to the owners and masters of merchant vessels as to the class of men whom they were shipping ? Nobody would believe the sort of rubbish that was picked up to serve as seamen. Many of them did not know the meaning of "starboard" from "port," and could not be trusted at the helm. If they were sent to the helm before their competency was tested, the result might be the loss of the ship with all hands. He trusted his right hon. Friend would lend a favourable ear to any suggestion that might be made to enable those who were charged with the selection of men to ascertain their qualifications. There was another question of still greater importance. One of the most prolific causes of the loss of life was the present state and condition of what was called the "rule of the road at sea ;" but its proper designation would be the misrule of the road. The best proof that he

was not vilifying the regulations known as the rule of the road was that all the most important countries in Europe had in various shapes addressed the Government to induce them to alter the rule of road at sea, but no impression was made on the Government. His right hon. Friend could not escape dealing with the question without incurring the responsibility of the loss of life which might hereafter occur. There was another question which had been entirely ignored, and perhaps it was the most important one of all. He would ask hon. Gentlemen who were conversant with the subject whether one of the great causes of the loss of countless iron steamers at sea without apparent cause was the disproportion of the length to the beam of those vessels, which rendered them unmanageable in bad weather ? One of the first objects to which the attention of his right hon. Friend ought to be directed was the mode of measurement. He appealed to his right hon. Friend not to be afraid of dealing with the whole of the details of this great question, which affected not only the property of a large and wealthy portion of the community, but even the very existence of a maritime country, as well as the saving of life. Unless he dealt with these matters in a broader spirit, he would fail in the objects which he was so desirous of attaining.

Mr. PLIMSOLL said that, feeling ill, and being desirous to proceed home, he would only make a few remarks. He did not oppose the second reading of the Bill ; on the contrary, he should be glad to have it read a second time. The President of the Board of Trade said he introduced it in the hope that the Board of Trade would assist him to make it what it ought to be ; and he hoped that the Bill would be improved by Amendments he desired to propose in Committee. He wished to introduce three things and to get rid of two. The three things he wanted were—first, a compulsory survey of all unclassified ships ; secondly, the establishment of a maximum load-line ; and thirdly, the adoption of a test for the quality of iron to be used in the building of future ships. The two things he wanted to get rid of were deck-loading, except under special limitations, and the practice of carrying grain cargoes in bulk. The survey he asked the House to enact was a survey by either

Lloyd's or the Liverpool Board. The right hon. Gentleman objected to recognizing private associations, and pointed out several which might claim to be included; but, for himself, he proposed to recognize only the two he had named. The hon. Member for Warwick (Mr. A. Peel) said, that private clubs would seek to be included, but private clubs did not class ships. There would be no difficulty on the score of precedent in recognizing the two associations he named, because Parliament had already recognized private societies in relation to ships. For instance, chain cables and anchors were tested by such societies and firms as might be licensed by the Board of Trade to do that work, and what he proposed was merely an extension of that principle. He need not go outside the Bill for a case in point, because the Bill proposed that the Board of Trade might licence such persons as it might deem qualified to examine and test ship's compasses. It was said, to recognize a survey by either of the two societies he had named would be to destroy the responsibility of shipowners. He did not think their responsibility at present amounted to much; he had never heard that anybody but the Quins and somebody at Waterford was ever made responsible. Be that as it may, responsibility would not be destroyed, because two-thirds of the ships now afloat in the Mercantile Marine were already surveyed by these societies, and to include the other third would clearly be to place them in the same position as the two-thirds that were surveyed. Nobody denied that the owners were responsible because the ships were classified, or alleged that the owners were harassed on that account. The survey he proposed would reach the unclassified ships, and would include a great number of very good ships and a greater number of very bad ships. To meet the case of the good ships he would propose to give the Board of Trade power to exclude from the operation of the Act such classes as they might deem fit; so that it did not seem to him that any other ships would be meddled with than those which stood in need of interference. One of the Appendices to the Report of the Royal Commission gave a list of 104 in various stages of decay, and that list indicated the class of ship that would come under the operation of a clause like this. The need of such a survey

would not be disputed by anyone who reflected on the fact that, under the very imperfect Acts of 1871 and 1873, 440 ships had been stopped and surveyed, and only 16 were found fit to go to sea. He did not suppose the House would be content to reduce this inspection; we must assume that the practice would remain as it was, unless, indeed, we improved it. Suppose it remained, what became of the objection that it was difficult to say suddenly that a vessel was unseaworthy? He said so, too; and that being so, we had better hand the work over to persons who were specially qualified, to do it, and give notice that at regular intervals, the work would be done deliberately and carefully, instead of leaving the question to be decided in an emergency on the judgment of an officer of the Board of Trade. Admitting the difficulty of the case, was not his mode of dealing with it far more rational than that of the right hon. Gentleman? He was glad to see to-day that the London Shipowners Association had withdrawn their opposition, and had agreed that when ships had passed through all the classes at Lloyd's and were no longer fit to be classed, it was high time somebody looked after them. The difficulties in the way of adopting a load-line were not insuperable. If a competent Board composed of the best men to be found were empowered to survey all ships separately and ascertain for each what would be a proper maximum load-line, they would take into consideration her age, the material of which she was built, her strength, any peculiarity of dimensions, whether she had full lines or fine lines, and whether she had any deck structures, an awning deck, or a spar deck; all these circumstances would be taken into account by a commission of the best practical men who could be found, and they would then determine the maximum load-line under favourable circumstances. Outside the conditions named there would be only three disturbing considerations, which would be the season of the year, the nature of the cargo, and the nature of the voyage. For instance, a winter voyage across the Bay of Biscay with a cargo of pig iron would be very different from a summer voyage across the North Sea with a cargo of coke. He proposed that the maximum load-line should be the centre of a large disc, and

that the disc should be of such a diameter that the bottom line would be the load-line under unfavourable circumstances. This brought the whole case into a nutshell; in this way any modification could be made by practised and experienced men. The centre line would be the maximum load-line, and the line at the bottom of the disc would be the guiding line under unfavourable circumstances. No doubt, it was difficult to fix a load-line, but was not this a more rational way of dealing with the difficulty than leaving it to be decided on the spur of the moment, perhaps at night, when a vessel was going to sea? The officer who stopped a vessel and required 120 tons to be taken out practically established a load-line. He had understood the President of the Board of Trade to concede this point; but he had little idea it was to be done in such a fashion, and that the owners of ships were to fix the load-line. Many ships were owned by three or four small tradesmen, chiefly men who—and it might be said without any disparagement to them—had clubbed their money to buy a second-hand and nearly worn-out ship, and they had not the special knowledge which would enable them to fix a load-line. A man who had recently lost a large ship under distressing circumstances, and who had lost three steamers out of seven in a short time, began life as a clerk in a shipbroker's office, and had worked his way up; but he had acquired no technical knowledge of ships, and he put 2,000 tons of cargo into a ship registered to carry 957 tons. When the tailor was left to decide how much cloth he would sell for a yard, the grocer how much tea for a pound, and the spirit dealer how much brandy for a pint, then, and not till then, should he expect the House to allow shipowners to decide upon load-lines. He was glad the London shipowners acknowledged that a load-line was desirable; and he thanked them for saying so. The third point was that the iron used in shipbuilding was to be tested. Much of the iron that was now used was little better than cast iron, and, although calculated to bear a strong pull or a tensile strain, it was so brittle that the slightest accident caused a ship to break up like earthenware. The hon. Member for Hull (Mr. Norwood) said, that that was beneath the consideration of Parliament;

but surely if, when a woman bought a silver teapot, Parliament provided that she should be able to ascertain whether it was silver, it was not beneath their attention to see that when a man bought iron to build a ship he should have what he paid for. Deck loads were a source of great danger, and he proposed to abolish them as a matter of principle, leaving the Board of Trade power, however, to sanction them under circumstances where they might be inevitable, as in the case of vessels carrying fruit. He thought the House would admit that, although it might sometimes be desirable to carry a couple of thrashing-machines on deck when the vessel was going across the North Sea, it would not be advisable for her to carry seven or eight, especially as there was no necessity for it now that the hatchways were made so large. With regard to the importation of grain in bulk he found that up to the fall of 1872 there was a great fatality among vessels loaded with grain coming from Montreal and Quebec, shipowners preferring to pay the penalty of \$40 which attached to the practice rather than forego their profits. But in the beginning of 1873 a law was passed requiring shipowners to stow their cargoes to the satisfaction of the port authorities, and since then—in the words of a Member of the Canadian Government—"Not one single vessel sailing from those ports with grain has met with any accident whatever." Now, that he regarded as a very strong proof not merely of the necessity for such legislation as he proposed, but of the probability of its efficiency when put into operation. The hon. Member, in conclusion, stated that in Committee he would give the House the opportunity of voting on the following points:—The survey of unclassified vessels, the adoption of a load-line, a test for iron, the prohibition of deck loads except within certain limits, and the prohibition of grain cargoes in bulk.

Mr. CAVENDISH BENTINCK thanked hon. Members on both sides of the House for the very flattering terms in which they had alluded to the Bill of the Government. There were only two principles at stake, one urged by the hon. Member for Derby (Mr. Plimsoll) and the other supported by the Government. The question had been carefully considered before a Royal Commission—a

Mr. Plimsoll

body eminently qualified to test the merits of such a question, because it could sit at any time of the year, and this Royal Commission sat for two years, and thoroughly investigated the question. The Commission heard at length the hon. Member for Derby, and all the witnesses he brought, and finally decided every point against him. Under these circumstances, the Government had no alternative but to base the present measure on the recommendations of the Royal Commission, and that had been done with certain variations which had been explained. What was the objection to the system of classification proposed by the hon. Member for Derby? In the main, it was that they would be delegating powers which ought to be exercised by Her Majesty's Government to a certain number of companies which were more or less in the nature of commercial speculations. Was there any great advantage in handing over this power? The next point was, the testing of the iron. His right hon. Friend (Sir Charles Adderley) had referred to the Amendment of the hon. Member for Pembroke (Mr. Reed), which would no doubt be duly considered when the proper time should come, and it was quite possible that then statements might be made which would give entire satisfaction to the country. The next question was as to the load-line, in which the hon. Gentleman differed from his right hon. Friend. This matter could be considered carefully in Committee, and then they might have a chance of arriving at a satisfactory result. But he might point out that the Commissioners whom the hon. Member proposed to entrust with the settlement of that great question were hardly in agreement on any one point, judging from the evidence given by them before the Royal Commission, and there would, therefore, be no reasonable probability of their arriving at a satisfactory decision. A recent case had established the difficulty of deciding the point. A ship started on her voyage, but was stopped. The question of the load-line was raised. The surveyor of the Board of Trade viewed the ship, but no agreement could be come to as to the load-line, which the shipowner was asked to fix. The hon. Member for Derby had stated correctly that since the Act of 1873 came into operation 440 ships had been reported to the Board of Trade,

and that of these 404 had been found to be unseaworthy. The fact showed, in the first place, that the Board of Trade surveyors did their work extremely well. It was a fact, too, which he considered creditable to shipowners, for whom he had the greatest sympathy. He was glad to have heard them that evening so highly spoken of as a class, as from an intimate acquaintance with many of them he believed them to be a high-minded and honourable body of men. Considering the enormous number of ships which left our ports, the fact that after all the complaints that had been made only 440 ships had been stopped since the passing of the Bill of 1873 spoke well, indeed, for the efficiency of the British Mercantile Marine. On the part of Her Majesty's Government, he had to thank the hon. Gentleman the Member for Hull (Mr. Norwood) for the very kind manner in which he had expressed himself with regard to this Bill; and, indeed, he did not find fault with any of its most material parts. As to advance notes, and discipline clauses, those questions would be better discussed in Committee. As to the support of training ships the funds must come from somewhere, and they could hardly ask the Chancellor of the Exchequer to consent to a Vote for that purpose. He did not see where a fund more available for the purpose than that proposed could be found; but any suggestion upon the subject should receive proper attention. The question, however, was a mixed one, and no satisfactory settlement of it could be come to, unless the Education Department, the Home Office, and the Admiralty concurred upon it. As regarded the apprenticeship question, the hon. Gentleman (Mr. Norwood) knew that compulsory apprenticeship had been abolished, and that hence there was a great difficulty in reviving it. For his own part, he regretted that it had not been retained not only in the Mercantile Marine but also in every trade; but, still, when a thing was once abolished, it was extremely difficult to resuscitate it. The next point to which the hon. Gentleman referred was the necessity for seamen passing an examination in seamanship before they could get employment; but in a voluntary service it would be very difficult to enforce any such thing. Representing, as he did, a seaport town, he knew the difficulty there was in getting

crews together; but that difficulty would be increased under such a provision as that of which the hon. Gentleman was the advocate. In the Act of 1867 there was an enactment that the Board of Trade might appoint medical officers to inspect seamen in order to see if they were fit to go to sea. No doubt the Act was permissive, but what the result? In 18 ports where local Marine Boards existed its provisions were a dead letter; and in the remaining 130 ports, where medical inspectors were appointed, the examinations had been infinitesimal in proportion to the number of seamen. The Government, therefore, could hardly legislate further in this direction, unless there was a very strong expression of public opinion in favour of such legislation. Most of these things, however, were matters of detail, and he hoped that the House was prepared to accept the principle of the Bill.

MR. WILSON observed, that when the Bill of the hon. Member for Derby (Mr. Plimsoll) was before the House last year he voted in what turned out to be the majority against it; but that majority was so small that had he and his hon. Colleague (Mr. Norwood) voted the other way the second reading of the Bill of his hon. Friend would have been carried. There had occurred since that time a considerable change in public opinion upon the question under discussion, and the change could not be more strikingly manifested than it was by the speech of the hon. Member for Derby himself. Nearly every speaker who had addressed the House on this subject had announced the fact that there were two principles before the House—the principle of the Government Bill, which was to throw the responsibility upon the shipowners, and the principle of the hon. Member for Derby, which was to endeavour by surveys and load-lines to prevent accidents at sea. But there was another point which had been entirely overlooked, and that was, that they did not allow any passengers to go to sea without their being protected by a Government survey; and it was only when it came to a question of the lives of seamen that the Government stopped short, and said it was not necessary to take any steps in the matter, and they would leave the seamen to take care of themselves. That Bill, with its penal enactments, treated seamen as persons who

were not only to be drowned without consideration, but to be punished without mercy and almost without consideration. The hon. Member for West Norfolk (Mr. Bentinck) said, the whole tendency of legislation since the repeal of the Navigation Laws had been antagonistic to our Mercantile Marine; but it was a remarkable fact that the shipping tonnage of the United Kingdom since 1852 had increased during 20 years from 4,400,000 to 7,200,000 tons. Who were they dependent upon for this increase in the Mercantile Marine? They were dependent upon the seafaring population of the country; and it appeared to him the first duty of the Legislature was to protect the lives of our seamen with the same care and caution that it exercised with respect to passengers. When this Bill was launched before the House, he brought it under the notice of the Chamber of Commerce at Hull, and other institutions, and all with singular unanimity condemned every clause. The greater portion of the loss of life which annually took place at sea was in connection with the small coasting ships and the merchant steamers employed in carrying grain from America and the Black Sea. Owing to the manner in which many of these vessels were constructed, with double bottoms for water ballast, the centre of gravity was so displaced when they were loaded, that when getting into the trough of the sea they overturned and went to the bottom. Their steering gear, too, was often of such a character that it frequently broke, and the vessel thus disabled, was left to the mercy of the sea and often perished. It was to these two causes, far more than to overloading, he attributed the greater number of casualties of this description at sea. The proposal to render illegal the practice of giving advance notes to seamen had been condemned by all the local Marine Boards and Chambers of Commerce which had considered it, while the discipline clauses were such as no shipowner would think it worth trying to enforce, and few magistrates would convict upon them. Then came the question of safety, and how that was to be effected by calling upon the shipowner to make certain marks on the side of his vessel he was unable to understand. As the clause dealing with the question of liability had been altered, he would not now offer any

Mr. Cavendish Bentinck

observation upon that point. What the hon. Member for Derby wanted was that there should be a load-line fixed for each ship, and that unclassified ships should be passed by some satisfactory system of survey. Perhaps, with the present constitution of the Board of Trade, it would be impossible to carry out those two objects to the satisfaction both of the shipowners and the public; but he thought a means might be found of obviating nearly all the difficulties which had been raised in connection with that subject. At present in each marine district there existed a local Marine Board, but it was practically without any real power. He would suggest, however, that each large maritime district should have its local Marine Board re-constituted; that it should be allowed to manage its own maritime affairs; and that questions as to survey and load-lines should be settled in each particular district, but, of course, with an appeal to the central authority at the Board of Trade. He would suggest that these local Boards should consist of the stipendiary magistrate, the collector of Customs, and one representative each to be selected by the Chamber of Commerce, the local underwriters, the Board of Trade, the shipmasters, the seamen, the shipowners, and the Admiralty. A Court so constituted would, in his opinion, do all the necessary work in a satisfactory manner, and at the same time save much of the delay which now arose from the necessity of referring all matters to the central authority. He saw no insuperable difficulty in the way of deciding upon a form of load-line which would be simple and easily understood, but which, at the same time, would answer all practical purposes. With regard to deck-loads and grain cargoes, it would, he thought, be necessary to make some new regulations; but he trusted that, in addition to being efficient, they would be such as not unduly to tie the hands of English shipowners. Towards the end of 1872 there were about 500,000 tons of steamers and ships building in this country. In 1873 it was reduced to 300,000 tons, and in 1874 it was reduced to about 160,000 tons. They were handicapped to a great extent by foreign competition, which was daily increasing. In 1873 about 18,900 tons of British sailing ships cleared out from the United Kingdom

and 23,000 tons of foreign shipping, and if it had not been for a large accession of strength to our steam marine we should not have been able to boast of our marine supremacy. Considering the concessions that had been made by the President of the Board of Trade, the support the Bill was likely to receive from the hon. Gentleman the Member for Derby, and that the tendency on both sides of the House and shipowners generally was to make mutual concessions, he should withdraw the Motion of which he had given Notice for the rejection of the Bill.

MR. MACIVER expressed regret that the Circular he had issued had been misunderstood. The case which the President of the Board of Trade had so effectually demolished was not the case which he (Mr. MacIver) had endeavoured to set up. He was glad to see the earnest desire shown by the House to second the honest endeavours of the right hon. Gentleman to bring about a better state of things with regard to maritime legislation. He hoped the question would not in any way be put aside, and thought that if hon. Gentlemen would continue to treat the Bill in the same fair spirit they had already evinced, that it could be made a really effective measure, such as would answer the purpose which they all had at heart. Reference had been made by the President of the Board of Trade to certain proposals of his with regard to the constitution of the Department. What he (Mr. MacIver) meant by these proposals was merely to point out that the circumstances of to-day were very different from those of 20 or 30 years ago; and that he (Mr. MacIver) thought the increasing duties of the Board of Trade would, before very long, render it necessary for Parliament to consider what ought to be done in order to deal with those increasing duties. Questions affecting shipping would, no doubt, form an important element in such consideration. He (Mr. MacIver) could not see that there was any real antagonism between the proposals of the hon. Member for Derby (Mr. Plim-soll) and those of the Government. The rightness or wrongness of "load-line" and "survey" depended entirely upon what was meant by load-line and survey. Certainly, some system of survey was possible which would not be liable to

the objections that had been raised. The very best vessels in the country were surveyed; and, so far as he (Mr. MacIver) was aware, without any evil results. He (Mr. MacIver) could not believe that liability to survey had any effect whatever in lessening a proper feeling of responsibility on the part of shipowners. The Peninsular and Oriental Company's, and the Royal Mail Company's vessels were all surveyed; the Inman Company's vessels, those of the White Star Company, and the many other fine steamers carrying emigrant passengers were subjected to a still more perfect form of survey; but one which, of course, was inapplicable to ordinary trading vessels. Still, something might reasonably be done in that direction. He knew what survey meant, and spoke from some experience on the subject, having the year before last been legally responsible for the conveyance of 72,000 passengers under the provisions of the Passengers Acts. The House could not but be struck with the fact that all vessels were not equally liable to disaster. The vessels of many companies, in many trades, were navigated with comparative safety; while others, sailing alongside of them, were as conspicuously unfortunate. There was generally a reason for it. Occasional disasters might occur to the best of ships; and, in steamers, the connections between the machinery and the sea were such that hidden imperfections might easily arise, and, notwithstanding the greatest care, such vessels might sometimes unaccountably go to the bottom. If a man lost a ship, therefore, it did not necessarily follow that he had been to blame; but while accidents here and there might thus have occurred, it was impossible so to explain away the foundering of ten or a dozen steamers in the Bay of Biscay within the last few months. No other explanation was possible than that some, at least, of these vessels had gone to the bottom from causes which might have been prevented; and, as he (Mr. MacIver) thought, from causes preventable by legislation such as might fairly be held to be in harmony with the principle of the Government Bill. To meet such cases he would suggest, not merely the marking of a load-line, but that survey, going as far as was reasonable in the direction of the survey carried out with respect to passenger vessels,

Mr. MacIver

should be adopted. It had been alleged that the emigration survey had failed, and instances like the loss of the *London* had been cited. It was said—"Here is a ship surveyed by the Board of Trade and by the Emigration authorities, in which everything was done, yet it has gone to the bottom;" and this particular case was not unfrequently used as an argument against the principle of survey. It seemed to him that the occasional failure of survey was no argument for its abolition, but rather for its improvement. As well might the prevalence of crime be used as an argument for the abolition of the police. He (Mr. MacIver) did not bring any charge against the officers of the Board of Trade. The Act of 1873 had, no doubt, been applied with as much care and judgment as was practicable; but its only good results were from the survey clauses. Even the bad form of survey which the Act of 1873 represented, had been the means of detaining many unseaworthy vessels; but he knew that there were many instances where vessels had been needlessly stopped, and their owners put to great trouble. The Act of 1873, besides being of irregular and uncertain application, was open to the further objection that it dealt only with vessels sailing from British ports; while it was to vessels returning to British ports that preventable disasters had most frequently occurred. But disasters to homeward-bound vessels might, he (Mr. MacIver) considered, to some considerable extent, be prevented by such legislation as he understood was now contemplated by the President of the Board of Trade. There was no real difficulty in regard to load-line. Every shipowner of his acquaintance had a load-line, and there was no difficulty whatever on the subject, other than want of the will; and want of the will existed to a larger extent than the House would readily believe. He did not mean that people wished their ships to go to the bottom—they wished them to go safe. But profit often depended upon deep loading. Some people were ready to run greater risks than others, and others again ran risks ignorantly; but both might, too often, be found united in their objections to load-line and survey. They preferred legislation on the principle of responsibility; and very naturally they meant a responsibility which amounted to no-

thing. He would remind the House of the old proverb that "to cook your hare you must first catch it." It was right enough to punish wrong-doing ship-owners; but there was not merely the difficulty of ascertaining the facts, there was also the difficulty of ascertaining against whom to proceed. In all the years in which he (Mr. MacIver) had been a shipowner, it would have been impossible to prove that he was legally a shipowner at all. His name was not on the register. Again, how were they to enforce personal responsibility, as against the partners in limited liability companies? It was not the fact that legislation on the principle of load-line and survey would necessarily relieve shipowners from their proper responsibilities; certainly, not from responsibilities that were worth anything. The Board of Trade gave certificates of competency to masters, officers, and engineers; but that did not relieve shipowners from liability for the doings of their certificated servants if, in the result, those servants proved to be incompetent. And so with regard to the ship herself. Neither the marking of a load-line, nor even a certificate of survey from the Board of Trade need necessarily relieve the owners from any responsibility whatever. The Bill of the Government had many good points; but it was open to improvement, and he hoped in Committee to be able to suggest some Amendments which he thought would tend to better carry out the great objects which the President of the Board of Trade had in view.

SIR WILLIAM HARCOURT said, the President of the Board of Trade had told the House that he and the Government sympathized with the ship-owners of this country. That was a sentiment which everybody would be ready to endorse; but he had missed in the right hon. Gentleman's speech any allusion to provisions for another class of persons deserving attention, and that was the seamen. He was not going to enter upon subjects with which he was totally incompetent to deal—which were nautical questions with reference to load-lines and surveys. But the President of the Board of Trade said that this Bill was divided into various parts—one having reference to wages and another to surveys; but there was one great chapter of this Bill which began at the

9th clause, and which had to do with discipline. That chapter of discipline re-enacted—and in some respects made worse than it was before—by far the most severe and barbarous criminal code which was known to this country, and which he believed was unexampled in the law of any other country in the world. It was to that criminal code that the seamen of this country were subjected—the code under which they had suffered, and at this day were suffering, the most cruel and the most indefensible injustice. The proposal to re-enact this code would give the House an opportunity of reviewing this legislation and reflecting whether they would or would not endorse it. The character of this legislation was of a most extraordinary kind. It began with the officers of the ship; and it said with respect to them, that if they were guilty of gross acts of misconduct, of drunkenness, tyranny, or negligence, proceedings might be taken against them, and if the case was proved they might lose their certificate or be reduced to a lower grade. That was the only punishment. But when the Act came to deal with the men—not for gross misconduct, drunkenness, or negligence, but for offences of a minor character—we then came to such severe penalties as in no other case had ever received the sanction of Parliament in our time. He would ask any Member to look at the 17th clause. That clause stated that—

"Where any person was guilty of desertion or a kindred offence, the master or any mate, or the owner, ship's husband, or consignee of the ship to which the offender belonged, or any person specially authorized in writing by the owner or master of the ship, might arrest the offender, without warrant, in any place in Her Majesty's dominions, and also in any place out of Her Majesty's dominions, if and so far as the law of that place so permitted; and every constable should give to the person making the arrest such assistance as he may require. The person arresting the offender might, and in case the offender so required and it was practicable, should, convey him before some court having cognizance of the offence, and for that purpose might detain him in custody for such period not exceeding twenty-four hours as might be necessary."

Then there was this extraordinary provision—

"If any such arrest appeared to the court to have been made on improper or insufficient grounds, the person who made the same or caused the same to be made should incur a penalty not exceeding twenty pounds; but the

infliction of that penalty should be a bar to any action for false imprisonment in respect of the arrest."

That a seaman illegally arrested should not have the remedy which was open to every other subject of Her Majesty—that of bringing an action for false imprisonment—but should be limited to a penalty of £20, was a disgrace to our legislation, and would be a disgrace to the legislation of any land. It was said that what they wanted was to elevate the character of their seamen, and to attract men to the merchant service; and yet they were going to enact against them laws to which no other of Her Majesty's subjects were liable—laws worse than existed in the worst days of crimping; yes, they were asked to enact what he would call this barbarous, this brutal legislation against the seamen of this country. The hon. Member for Hull (Mr. Norwood), in his very interesting speech, told the House that shipowners did not wish for legislation of this severe character, and that it was a pity the Government had introduced these clauses into the Bill. Hon. Gentlemen on the other side of the House had expressed a wish that something might be done to attract seamen rather than to drive them away. He hoped that when they got into Committee on the measure this Bill of pains and penalties of the most aggravated character would be considerably modified. The fact was that the 16th clause provided that men might be imprisoned for a period of three months in cases of desertion. It might be said that this 16th clause was practically a consolidation of several clauses of the Merchant Shipping Act of 1854. That might be so, but was no excuse for the clause. Before that Act the law was of a mild character, and how it was that the Act of 1854 could have passed *sub silentio* through the House of Commons he could not understand, except it was that at that time there was a great attraction at the gold diggings, and sailors were in the habit of deserting to them. But the consequence was that under it men were frequently being sentenced to six, seven, eight, and ten weeks' imprisonment with hard labour at Cardiff, Liverpool, and other ports for absenting themselves—sometimes unavoidably—from their ship. In one case at Liverpool a man had been sentenced to six weeks' imprison-

ment with hard labour because he had been drunk over night and had overslept himself, and had not, therefore, joined his vessel. It was legislation such as that they were called upon by the Government to re-enact. A Return which had been presented to Parliament on the Motion of the hon. Member for Derby (Mr. Plimsoll) brought some curious facts to light. One man had been imprisoned for three weeks because he had refused to sail in the *Elizabeth Knowles*—a vessel which had subsequently to put into Milford Haven in a leaking condition, and which, on being surveyed by the surveyor of the Board of Trade, was reported to be utterly unseaworthy. There was another case. The *Sir Robert Macdonald* put into Weymouth for repairs. She was surveyed by the Board of Trade and found perfectly unseaworthy. At that time her crew were imprisoned in Usk Gaol for refusing to go to sea in her. The Home Secretary having been written to, replied that "under all the circumstances of the case" he would recommend their release. They had been sentenced to 10 weeks' imprisonment, and perhaps "under all the circumstances of the case" any Government would have recommended their release. Such was the state of the case under the law in its reformed state, and the question was, whether they were to re-enact a law which had such a practical application as this? Some mitigation of the matter was attempted by the legislation of 1873; but the survey was to be granted under this condition—that one-fourth of the crew must complain of the unseaworthiness of the ship. But why was one man to be sent to prison because he did not wish to lose his life in an unseaworthy ship, if it was perfectly possible he was right and able to prove his case? Of course, it was desirable that there should be some protection against malicious complaints; but this was a point with which it would not be difficult to deal. In the Act of 1873, however, there was another provision which gave a seaman who had been sent to prison for refusing to proceed in an unseaworthy ship compensation; but such compensation was to be granted to him by the very men who wished to send him to sea. This was the character of a chapter of the Bill which had not been discussed that evening, and he hoped the House would

Sir William Harcourt

consider that he was justified in drawing attention to it. He was quite sure that if they were to get the merchant seamen of the country to join cordially in action with the shipowners, it would only be by treating them as men who deserved to be respected. The amendment of the existing law would be very much facilitated by the proposal of the Government to do away with advance notes, which had been regarded by many persons as justifying proceedings of the kind he had referred to; but he was at a loss to understand how the President of the Board of Trade had reasoned himself into the opinion that that abolition would not be an interference with the freedom of contract. If the Bill should be the means of enabling them to revise legislation in this respect he should think himself fully justified in supporting the second reading. He could not sit down without expressing regret at many remarks which had been made with reference to the hon. Member for Derby. He thought the House ought to reflect that if it had not been for the patriotism and benevolence of that hon. Member they would probably not have seen this Bill at all. It was to the hon. Member's labours that they owed the Bill of 1871; to his benevolent exertions that they owed the Bill of 1873; and to his exertions that they owed the fact that both the shipowners and the Board of Trade had become alive to the absolute necessity of remedying the existing condition of things; and he felt that the hon. Gentleman might view with satisfaction the manner in which public opinion had been ripened on the question. He trusted that the Bill would be amended so as to make it worthy of the objects it sought to accomplish.

MR. RATHBONE: I share with every hon. Member of this House in the indignation which has been aroused by the revelations which have been brought to light by the exertions of the hon. Member for Derby (Mr. Plimsoll); but I am most anxious that the remedies we propose for these evils should be effectual, and that they should not take a direction in which they would aggravate the very evils and crimes which we so anxiously seek to put an end to. Therefore, representing as I do the largest shipowning port in the world, I venture earnestly to ask the attention of the House for a short time; for I have

reason to know that some hon. Members of this House are quite unaware of the serious consequences that will ensue both to the lives of our sailors and to the maritime power and greatness of England, should any false steps be taken in dealing with the management of the merchant shipping of this country. I have heard hon. Members—and clever men too—speak as if it really did not much matter what was done. I have heard it said—"I suppose the 'right thing' is to vote for both Bills," as if the measures advocated by the hon. Member for Derby and the Government Bill did not proceed on diametrically opposite principles, or that to give a popular vote on the question can do much harm. But I venture to say that this is not the opinion of any of the statesmen who have given attention to this subject; and it is not the opinion of the great bulk of those shipowners who have in practice been successful in avoiding loss of life and property at sea. I presented to the House this evening a Petition from a body of men whose practical experience I conceive is entitled to some weight in the House, for it represents the deliberate opinion of the Steam Shipowners' Association of Liverpool, whose members own 779,258 tons, being about one-third of the whole steam tonnage of Great Britain. The Association has been in existence 15 years, and, as I am advised, no one of its members has ever had a single vessel detained by the Board of Trade, or a single case of unseaworthiness made out or rightfully imputed against a single one of his ships. These men have, by their practical success in avoiding disasters at sea, established a right to speak with authority when they come forward to point out how these disasters can best be avoided, and, at the same time, to give warning of the danger of increasing those disasters, and destroying our mercantile prosperity by injudicious legislation. They have given to this matter, as they state, prolonged and careful consideration. They have called to their assistance some of the ablest, and on this subject the most experienced lawyers in the kingdom, and the result of this practical and legal experience is embodied in the Petition against the Bill of the hon. Member for Derby, which I have presented, and in the Amendments on the Government Bill, of which I have given Notice. These

men state, as the result of their practical and successful experience, that the legislation proposed by the hon. Member for Derby is not only based on an erroneous principle, but would fail utterly to reach the small number of disreputable shipowners aimed at; that it would tend to transfer the responsibility from the shipowner to the Government, or Association, and surveyors acting under Government authority, to remove inducements for improvement, to discourage the enterprize which has created the British Mercantile Marine, and to reduce all vessels to the comparatively low standard of efficiency which must necessarily be adopted as the Government test. They point out how, by amendments in law and administration which shall not violate the principles of English legislation, the increased safety sought can alone be attained, and the dangers they give warning of avoided. Now, I am quite aware that there are many shipowners who disagree with my constituents on this subject. Many of them, terrified at the prospect of unlimited responsibility, are joining in the cry for futile or injurious interference, in order to escape the penalties and liabilities with which they are threatened. The reason of this has been well stated in a single sentence by one of the best legal authorities on this subject. Mr. Squarey, formerly legal adviser to both the Steamship Owners' Association and the American Chamber of Commerce, and who, as such, had very great experience in shipping matters, but being now legal adviser to the Mersey Docks and Harbour Board, he is entirely out of private practice and able to give an independent and impartial opinion, writes—

"Mr. Plimsoll's Bill is a real, though, as I think, a mistaken effort to accomplish the end he has in view. Looking at it from a mere selfish shipowners' point of view, I should decidedly prefer Mr. Plimsoll's Bill to that of the Government, because the latter will certainly place the shipowner under liabilities for sending unseaworthy ships to sea which he is not now subject to, whilst the former—so far as it is in any degree a practical scheme, will, I am afraid, relieve the shipowner from liability, without securing the object sought—viz., the preservation of life at sea. But, in truth, I do not believe Mr. Plimsoll's Bill to be practically workable at all."

I will, if the House will allow me, try to give practical reasons for what I have stated. And first let me point out the magnitude and importance of the inter-

ests with which you are dealing. Mr. Henry Jeula, in a table forwarded to Lloyd's, shows that more than 57 per cent—the exact figures being 57·70—of the whole steam tonnage of the world is British, and 37 per cent of the whole sailing tonnage of the world is British; and when you consider how much more work a steamer does than a sailing vessel, it may be stated that more than one-half of the world's maritime work is done by British shipowners and British sailors. Our proportion was even larger a few years since. But, by the opening of the Suez Canal—and this is a matter for the most serious consideration of the House—this country has lost the vantage-ground which it once possessed, especially with regard to the trade from the East, for when that went round the Cape, England was the natural *dépôt* for that commerce. Now, however, the vessels bringing the produce of the East, have to pass near Venice, Trieste, Marseilles, and other ports which are situated near to the districts in which much of their cargoes are consumed. It is not, therefore, surprising to find that the percentage of British sailing vessels to the total tonnage of the world has fallen from 43 per cent in 1870, to the 37 per cent in 1874, and that of steamers from 59 per cent in 1870, to the 57 per cent in 1874. Now it is only the energy and enterprize of our shipowners who, the moment the Canal was opened, set to work to build numerous vessels peculiarly fitted for its trade, that has enabled us to retain as much as we have retained of the carrying trade and commerce of the world. But I wish particularly to guard myself from being supposed to advocate the promotion of the prosperity of our Mercantile Marine, or even the maintenance of our naval supremacy at the expense of the lives of our seamen. If we are called upon to maintain the prosperity of our Mercantile Marine at the cost of tolerating criminal or negligent disregard for the lives of our British seamen, then the House would say, and the country would say, let our maritime prosperity go, even though our marine supremacy should go with it. But what I maintain is, that the same measures which contribute to the prosperity of our Mercantile Marine contribute to the safety of our seamen. There is no real conflict between the interests of the sailor and the interests of the shipowner.

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Really sound legislation will ultimately benefit both. To this point I shall address myself. There are three modes of dealing with this question, which are now practically before the House. First, that proposed by the hon. Member for Derby, and those who agree with him in their Amendments on the Government Bill, and the hon. Member has also embodied his proposals in Bill No. 2. That mode is practically to direct the shipowner how he is to manage his business, and to interfere with his management of it. Then there is the proposal of the Government, in the Bill now before us, to strengthen previous legislation, leaving the shipowner free to carry on his business with the same liberty that is afforded to other traders, but, as in other trades, holding him responsible for his misdeeds. This Bill, even with the modifications proposed by the Government, would materially increase the liability of the shipowner, and this, with the appointment of a legal officer of the Board of Trade, whose duty it will be to put the law in force, would, I have no doubt, very much tend towards the diminution of disasters at sea. But, after the most careful consideration, we have come to the conclusion that it would be possible to make the law stronger and even more effective than either the proposals of the hon. Member for Derby, or the Government Bill would make it. At the same time, our proposed Amendments avoid the very great dangers which we foresee would result from the adoption of Mr. Plimsoll's proposals—dangers of creating a false sense of security on the part of all those whose vigilance is absolutely necessary for the security we seek to attain. We propose, then, a different course—to impose a scale of punishments for attempts to send unseaworthy ships to sea, varied and graduated so that they will in practice and reality be inflicted, and therefore practically deterrent; and if our Amendments are adopted, together with efficient machinery for putting them in force—and without this no law that you can pass will be of any use—we venture to say that our proposals would, as far as the law is capable of contributing towards that end, reduce the loss of life and property at sea. Now, it is urged upon the Government by the hon. Member for Derby, and many kind-hearted people, who are naturally indignant at

the unnecessary sacrifice of life which the conduct of some—comparatively very few—unprincipled shipowners inflicts upon our sailors, that Government should undertake by a system of surveys applied to everything connected with a ship—to the iron of which she is built, to her build, to her loading, to her equipment—to avoid these dangers. But I maintain—and what is more to the purpose, the Royal Commission, after hearing evidence on all sides maintains, in its most able Report—that if you attempt by Government machinery to do that which the shipowner alone can do, you will utterly fail. You may—nay, I admit that you will—in occasional instances, prevent a few more unseaworthy ships from going to sea; but, in order to do this, you will so diminish the responsibility felt by the great mass of shipowners that a greater number of lives will be lost, and a greater amount of property destroyed than if you adhere to those principles of government, to which I maintain the order and prosperity of this country are mainly due. That principle I take to be that the Government will not interfere at every turn to make it impossible for people to do wrong—that is in itself an impossibility; but that it will take care that, if people do wrong, or attempt to do wrong, the law shall punish them, and thus mark that to do wrong, or attempt to do wrong, is infamous and dangerous also. Every respectable shipowner is interested in having unseaworthy ships stopped. A badly-found overloaded vessel, sailed on “overscrewing” principles, is just the most mischievous competitor a respectable shipowner can have. Such vessels pull freights down in some trades to such a point that well-found vessels can hardly live in them, and besides lessening the profits of first-rate shipowners, they bring discredit on their common calling. But what we contend is, that those principles of English law, which experience has shown to be most successful in dealing with other crimes, should be applied to the crimes of a negligent shipowner. You may make it very dangerous and infamous for shipowners to send unseaworthy ships to sea, by attaching proper penalties to such a breach of the law, and providing for their enforcement; but you never can put every British ship—in this country, at sea, and in foreign ports—under efficient minute

supervision. But I do say this, that the hon. Member for Derby, and those who agree with him, are so far right when they say that it is not enough to attempt to punish the criminally negligent shipowner when he has sent an unseaworthy ship to sea, and when, perhaps, she has gone to the bottom with those on board who might have given evidence of her unseaworthiness. Any clearly proved, deliberate, or negligent attempt to send an unseaworthy ship to sea—whether she actually goes to sea or not—should be severely punished; and those who are interested in the matter will have seen that I have placed on the Paper an Amendment calculated to carry this out. My great desire is, that we should devote our attention and efforts in this matter to what is practicable, and not attempt what is impossible. The tendency of recent legislation has been sadly too much in the direction of substituting Government inspection for individual responsibility—and there is no trade in which such mistaken interference will be more fatal than that of a shipowner. Any one who is at all practically acquainted with the subject, knows that a ship's seaworthiness depends upon a great number of complicated conditions, which it is almost impossible for an Inspector, upon a casual survey, to judge of. The Royal Commissioners say—

"The safety of a ship at sea cannot be secured by any one precaution or set of precautions, but requires the unceasing application of skill, care, and vigilance, from her first design to her unloading at the port of destination. She must be well designed, well constructed, well equipped, well stowed, or she is not seaworthy. She must be also well manned and well navigated, otherwise all precautions as to her construction and as to her stowage will be unavailing.

"Discretion as to the proper loading of his ship must be left to the shipowner, or, under his directions, to the manager, on whom the responsibility rests for sending the ship to sea in a seaworthy condition, which responsibility it is inexpedient to diminish. We have, therefore, come to the conclusion, though not without regret, that we cannot prescribe any universal rule for the safe loading of all merchant ships."

It has been admitted by the hon. Member for Derby, and the universal reputation which British shipping enjoys proves, that these criminal, or criminally negligent shipowners, are an extremely small proportion of the large body of shipowners; and it is almost capable of

arithmetical demonstration that, if by Government interference in the management of ships, you relax the vigilance and sense of responsibility of the large majority of shipowners, you will, on the general balance, increase the loss of life and property at sea. Besides, disasters will take place in a state of things under which you cannot bring legal or moral responsibility home to the shipowner. I wish that every Member of the House had read with care the Report of the Royal Commission. It will be remembered that, when that Commission was appointed, the shipowners complained loudly that they were hardly represented among its Members, and it is fortunate that such was the case, for the conclusions which the Commission has drawn from the ample evidence which it took, are, in consequence, above suspicion of bias in the direction of shipowners. Now, anyone who will read these Reports carefully must be struck with the increasing strength of the impression on the part of the Commission of the great danger of substituting Government management for the vigilance of those interested, and the responsibility of the shipowner. That which was an impression in their first Report becomes a clear and decided conclusion in their final Report. Now, I wish especially to call attention to the fact that any certificate of survey, or any load-line, can only deal with the lowest requirements consistent with safety; that the careless or dishonest shipowner will scheme to do as little as possible, and that it is the too common tendency of the minds of men in every profession, when the law interferes to lay down a legal requirement, to assume that what the law exacts is all that duty requires. Thus any low average of legal requirement has a tendency to shield the guilty, and to lower the general standard of the trade to which it has to be applied. I confess I am surprised that the severe Amendments of which I have given Notice have not been put upon the Paper by the hon. Member for Derby. They are so clearly those which are dictated by experience of the success of his efforts during the last eighteen months in preventing unseaworthy ships from going to sea. Even under the defective legislation, and with the defective machinery which the Board of Trade has had during that time for carrying the Act of

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1871 into effect, from the 5th of August, 1873, to the 31st of January, 1875, 465 vessels were stopped by the Board of Trade for defective hull, equipment, &c.; of these 14 were found to be seaworthy, 421 were condemned as unseaworthy, while on 30 the surveys were pending. And, again, 36 ships were stopped for overloading or improper loading, were declared to be unseaworthy, and had to be lightened or trimmed; and, moreover, if I am rightly informed, the operations of the hon. Member for Derby have already caused to be broken up a large proportion of those ships which have brought so much scandal on our Mercantile Marine. But the hon. Member for Derby will say—"Though I have been able to stop so many ships, how many more have gone to sea overladen or unseaworthy? And where are your successful prosecutions under your criminal clause?" Well, I will tell the House why those prosecutions have not taken place. The eleventh section of the Act of 1871 enacted that, if any person having authority to send a ship to sea sent her to sea in an unseaworthy state, &c., he should be guilty of a misdemeanour, unless he proved that he used all reasonable means to make her seaworthy, and was ignorant of her unseaworthiness. Now, I am informed that when a prosecution was desired, one difficulty under this section was, whom to prosecute? In many cases a ship is fitted for sea by one owner or agent, but actually sent to sea by another who is wholly ignorant of her unseaworthiness. The one could not be convicted, because though he knew her to be unseaworthy, he did not send her to sea; the other could not be convicted, because though he sent her to sea, he was not responsible for her unseaworthiness, and did not know she was unseaworthy. But the hon. Member will say—How, then, do you propose to catch these gentlemen? I have taken the best legal and practical advice I could obtain, and with such aid an Amendment on Clause 31 has been drawn, which I have placed on the Paper, and which I believe will not only meet the difficulties I have pointed out, but will really catch the guilty parties. And if it be not yet sufficiently stringent, I do not suppose I shall be told that it is beyond the power of the Government or a Committee of this House to make whatever alterations may be necessary

to render it completely effectual. The Board of Trade have already appointed a legal adviser to act as a public prosecutor in these matters, and as they have promised to appoint in the outports, where these offences are most frequent, responsible officers who may be trusted with discretionary powers to act in case of emergency, and when we have, as proposed, greatly increased facilities for detecting such offences, and fresh and easily enforced penalties for attempting to commit them, we may reasonably hope that these offences will be made so difficult that they will be practically abandoned; and this will be done by measures which will raise the standard of duty, and increase, instead of diminishing, the personal responsibility of the shipowner. And now let me just call the attention of the House for a few moments to the effect which will be inevitably produced on the future maritime progress of this country by any law which, as proposed by the hon. Member for Derby, would make classification compulsory, or which will practically give to a Government department responsibility for the construction and equipment of our ships. Perhaps the question will be best understood by those unconnected with shipping if I were to give an illustration. I shall first illustrate my meaning by the history of an individual case, and I shall then show the experience of a large body of men. I will take the well-known case of the Cunard Company—a company, the success of which is justly a source of national pride. Well, everybody whom I have heard speak upon the subject, able to watch the rise of that undertaking, and to estimate the causes of its success and immunity from disaster, I have found to agree with me in attributing that success, not wholly or even mainly to the enormous Government subsidies which it enjoys, but to the intense, pervading, never-resting, ever-watchful, concentrated sense of personal responsibility over every branch of its business in which Mr. Charles MacIver, its managing owner, lived and moved, and had his being while he was building up that concern. Now suppose the future Mr. Charles MacIver to contemplate the building up of a similar enterprise. What state of matters will he find, if we are to follow the advice of those who call thus loudly for Government direction and control? He will find, if this

well-meant advice which is now offered by some of the Amendments before the House be adopted, the iron of which his ship is built, and every part of her workmanship and equipment, certified by Government. He will find, if this Bill passes, a certain person certified and inspected by Government to adjust his compasses. He will find another man, inspected and certified by Government, to examine his anchors and his chains; and he will find prepared to his hand, a captain, mates and engineers, inspected and surveyed by Government, as the proper parties and the only parties for him to employ. I would ask the House to consider whether the British character, with its hardihood, its energy, its self-reliance, its enterprize, and that pervading sense of duty which we claim as one of our national characteristics, has been created by such a system of minute interference, and whether it can possibly co-exist with it? I say it cannot. And, if it cannot, will not the lives of our British seamen be far more insecure under such a system than they are now? But I know I shall be met with this argument,—that you do not seek any such minute surveys; but I would point out that, if once you make a Government department or association responsible in any way for the build and equipment of vessels, they will inevitably, feeling their responsibility, be led by degrees to lay down rules for such build and equipment. Why, even the experience of our commercial associations shows that such rules have a tendency to become injuriously rigid and even unsafe; much more would this tendency prevail in a Government department. The hon. Member for Derby, feeling that this was the case, has, with an anxiety not to injure our maritime commerce which I frankly acknowledge, proposed, in substitution for a Government survey, classification at Lloyd's or some other similar association; and, certainly, associations like Lloyd's or the Liverpool Registry, would be less likely to be guilty of unnecessary interference than a Government department would be, these associations being much more under the influence of the mercantile and shipping communities, who are their customers, and for whose favour they are actively competing. But, fortunately, on this question we have actual and

undoubted experience to warn us; and I must ask the attention of the House for a very short time longer, while I state the results of that experience. It is as I have said the experience of large bodies of men distinguished for their success in avoiding disaster. No doubt a very large proportion of the Members of this House are under the impression that, when people talk of unclassified ships, they are speaking only of those dangerous ships which have run off their class, and which are not classed because they cannot obtain a class at Lloyd's, or any other similar association. This is very far from the case. On the contrary, a very large proportion of the best ship-owners never class their ships at all. I have a list of these; and I find that the Peninsular and Oriental Company's ships are, as a rule, unclassified; that the Royal Mail Company's ships are unclassified; that the ships of the Cunard Line are unclassified. The ships of the Brazil Line, and of Holt's China Line, also appear on this list of unclassified ships. But without wearying the House by enumerating them, I may state broadly that the majority of those steamship owners who have standing and reputation sufficient to enable them to ensure their ships on most advantageous terms without Lloyd's classification, are not in the habit of classing their steamers; and I will tell the House why—because Lloyd's and the Liverpool Association, and other associations of underwriters, though, as I have said, they are much more open to representations from the shipowning community, who are their customers, than a Government department would be. Even they have from time to time laid down such rules for building ships as stood in the way of improvements—requiring strength to be put where, strength not being wanted, it diminished, instead of increasing, the buoyancy and safety of a ship; and enforcing forms of construction which were not only not economical, but were positively not as safe as other forms. Whatever fresh associations you form will always have a tendency to stereotype the improvements which they themselves have made; and as they get old and rich, to distrust and obstruct further change. I have tried to picture to myself how the best shipowners—the members of the Liverpool Steam Shipowners' Association for instance—would act under the pro-

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visions proposed by the hon. Member for Derby, and I will tell you at once that these men would form an association of their own, which would, of course, be recognized by Government; and, though they have been in their younger days among the most energetic and improving shipowners, they would be, in their turn, one of the most powerful obstructions I can conceive in the way of the Charles MacIvers or Alfred Holts of the future. Let me point out to the House by a practical example how utterly worthless such a provision would be to prevent the disasters we complain of. The hon. Member for Derby, in a letter to *The Telegraph*, of 18th March, gives a list of 28 vessels that were posted at Lloyd's since the 1st of January as missing, and which were supposed to have foundered at sea with all hands, together with the number of lives that were lost on board of them. Of these 28 ships only 6 very small ones were unclassified, of which only 3 of 34 tons, 40 tons, and 85 tons respectively—one being a fishing vessel—were British. Three of the largest vessels on the list, through which so many lives were lost, were not only classed, but were classed in both books in the highest class; while the sailing vessels were generally classed in the highest class in which at their age a vessel can be placed. I think, Sir, I have shown the danger and the uselessness of this compulsory classification, and I do not hesitate to say, had we been compelled to submit to a Government survey, or to Lloyd's classification, before all those great improvements which have been made in the building of our ships took place, that those improvements would have been delayed—to say the least—and we should not occupy the position which we now occupy in the Mercantile Marine of the world. Anyone who remembers the disastrous influence which even an erroneous mode of levying tonnage dues exercised on the model of our ships, and the wonderful improvement in their construction which followed the removal of that influence, would hesitate before he takes any part in compelling British shipowners to submit the construction of their ships to a Government survey. In conclusion, I hope the House will see that, of the two directions which it is proposed legislation shall take, the one is sound in principle, and will be effect-

ual and safe in practice, while the other is unsound, and will be ineffectual and dangerous. The one is recommended by all the statesmen who have had experience in the Department to which this question belongs. It is recommended by the Royal Commission in their able Report. It is advocated by a large body of those shipowners who have themselves been most successful in averting disaster, and it is in accordance with the spirit and practice of English legislation. It proposes, while leaving the honest shipowner the same liberty enjoyed by other Englishman, of carrying on his trade without being subjected to minute Government interference with its details, to hold every shipowner sternly and strictly responsible not to expose to unnecessary danger the lives of his sailors. The other direction in which it is proposed to legislate would lead to the interference of Government in the management of shipping in consequence of the acts of a few careless and greedy men. But we contend that to treat men as helpless and immoral, is the most effectual way of making them so. We wish, therefore, to point out the danger of treating all concerned in shipping matters alternately, as children and criminals, and of hereby relaxing the vigilance, diminishing the sense of responsibility and duty, and lowering the standard of action of all concerned in the construction and management of our Mercantile Marine. I regret to have been obliged to detain the House so long; but I am deeply impressed with the responsibility that attaches to us, if by any mistaken legislation we should increase that loss of life, and those evils which it is the anxious wish of this House, as much as possible, to diminish.

MR. GOURLEY moved the adjournment of the debate.

MR. MACDONALD seconded the Motion.

Motion made, and Question proposed,
“That the Debate be now adjourned.”
—(*Mr. Gourley.*)

MR. DISRAELI said, he thought the proposal was not in accordance with Parliamentary usage. The principle of the Bill had been accepted on both sides of the House, and the speeches which had been made in the course of the discussion, however interesting and ingenious, were, with very rare exceptions, Committee

speeches; and even the hon. Member for Derby, whose general views might be supposed to form a system opposed to the policy of the Government, had announced it to be his intention to move Amendments at a future stage of the measure. He, therefore, trusted the debate would not be adjourned. Ample opportunity would be afforded to hon. Members to express their opinions on the Bill both in Committee and on other occasions, and it was therefore to be hoped that the House would proceed at once with the second reading.

Question put, and *negatived*.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. MACGREGOR said, he had been connected with a seaport town many years, and he remembered, 30 or 40 years ago, it was said the sailors of the time were inferior to those who had gone before them. They were now hearing the same story over again. His opinion, however, was that the seamen of the present day were a better set of men than those who had gone before them. They were more sober, more careful of their money, and more to be trusted in many ways. He regretted that it was proposed to do away with advance notes; he was not at all satisfied that they would get on without them. A comparison had been made between seamen and ordinary workmen, but ordinary workmen got their pay at home every week, and could spend it at home; whereas to the seaman, his pay was of no use when he was at sea, and he might be away for some years. Besides, there might be circumstances which rendered it necessary that seamen should have money before going to sea. They might have come from a sick bed; they might have had deaths in their families, and they might require a new kit to go to sea with. In the port with which he was connected, instead of giving advance notes, they were accustomed to give advances in cash to well-known men. He regretted that such advances were to be made illegal by this Bill. As to the provision to enable captains to carry a supply of clothing on board ship, he was afraid that it would degenerate into a very bad truck system, and there was nothing more to be deprecated. They had heard a marvellous

speech by the hon. and learned Gentleman (Sir William Harcourt) as to the bearing of the criminal law on seamen, and he was sure every friend of the British sailor must be grateful to him for stating the case so powerfully. It was the same, however, with regard to the whole legislation relating to seamen. It was really extraordinary what facilities were afforded for getting sailors into prison. At Leith the other day, 22lbs of tobacco were seized, the man who had smuggled it slipped through the hands of the Customs House officers, but the whole of the remainder of the seamen, seven in number, who were on board the vessel were sent to prison for six months, although the magistrates, who were compelled to send them to prison, expressed their thorough belief that these men had not even any guilty knowledge of the smuggled tobacco. It would not be more absurd if an umbrella disappeared from the lobby of one of their clubs, and every member who happened to be present was sent to prison on suspicion of having had something to do with its theft. He hoped an Amendment would be introduced into the Bill to prevent the Customs authorities acting in such an extraordinary manner. They were told that the safety of sea-going ships could not be assured by any one or a series of precautions; therefore they were asked to believe that the proper way to manage their ships was not to adopt any precautions at all. He felt persuaded that if some such load-line as that proposed by the hon. Member for Derby was adopted, it would be more satisfactory to the shipowners of the country than the load-line proposed in this Bill. He therefore trusted means would be found by the President of the Board of Trade to adopt some such load-line.

Mr. BATES believed the shipowners of Liverpool and other ports would admit that this Bill was in the right direction, although there were one or two points which might require revision in Committee; those referring to advance notes, for instance. Sailors, from their habits, really could not get on without advance notes; and many of our ships without these notes would be stopped for want of men. Iron used in the construction of ships should be subjected to the Government test No. 1 or No. 2. It had been recently found out that the iron in

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some ships—injured by a collision—was little better than cast iron. This would not have been the case if the Government test had been applied. He contended that no grain ought to be carried in ships in bulk, but half, at least, of the cargo should be in bags. As to the 25th clause, he submitted that it ought not to stand; for if it did it would be found that some of the provisions in the sub-sections, especially No. 4, held out a premium for the building of bad ships. With some alterations the Bill would be a good one, and he should therefore generally support it.

MR. NORWOOD begged to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question proposed.

MR. D. JENKINS said, that as he had an Amendment on the Paper, he begged to move the adjournment of the debate.

Motion made, and Question proposed. "That the Debate be now adjourned."
—(*Mr. David Jenkins.*)

MR. DISRAELI said, he hoped the hon. Gentleman would not persevere in the Motion, inasmuch as there was, he believed, an understanding on both sides of the House that the debate on the second reading should conclude that evening.

MR. SHAW-LEFEVRE trusted that, if the Bill were now read a second time, ample opportunity for addressing the House upon it would be given on going into Committee.

Motion, by leave, *withdrawn*.

CAPTAIN G. E. PRICE said, before the second reading was agreed to, he would support the clauses which had reference to discipline on board ship, and the imprisonment of seamen under certain conditions.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for To-morrow*.

PIER AND HARBOUR ORDERS CONFIRMATION (NO. 2) BILL.

Considered in Committee.

(*In the Committee.*)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill for confirming a Provisional Order made by the Board of Trade under "The Gene-

ral Pier and Harbour Act, 1861," relating to Carlingford Lough.

Resolution reported:—Bill ordered to be brought in by MR. CAVENTISH BENTINCK and SIR CHARLES ADDERLEY.

Bill presented, and read the first time. [Bill 113.]

BANKING AND OTHER COMPANIES BILL.

On Motion of Sir JOHN LUBBOCK, Bill to amend the Criminal Law with reference to Banking and other Companies, ordered to be brought in by Sir JOHN LUBBOCK, MR. FRESHFIELD, MR. RUSSELL GURNBY, and MR. KIRKMAN HODGSON.

Bill presented, and read the first time. [Bill 114.]

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, 9th April, 1875.

MINUTES.]—PUBLIC BILLS.—*First Reading*—Musical Entertainments* (49); Supreme Court of Judicature Act (1873) Amendment (No. 2) (48).

Second Reading—Marine Mutiny*: Mutiny*. *Committee—Report*—Elementary Education Provisional Order Confirmation (Brighton)* (32).

SUPREME COURT OF JUDICATURE ACT (1873) AMENDMENT (No. 2) BILL.

(*The Lord Chancellor.*)

BILL PRESENTED. FIRST READING.

THE LORD CHANCELLOR rose to call attention to the present condition of the Supreme Court of Judicature Act, 1873, and to state the course which Her Majesty's Government intend to pursue in relation thereto, and said: My Lords, I have often experienced your Lordships' indulgence when bringing under your notice subjects which did not possess much interest in themselves; and I have no doubt that I shall receive your forbearance to-night when entering into some matters of detail which are familiar to many of your Lordships, but which, at the same time, I feel bound to bring before you in order that you may have a complete and adequate view of the present condition of the legislation as to the Judicature of this country.

My Lords, I must ask you to go back for a moment to the issuing of the Judicature Commission in 1867. My Lords, in that year the Speech from the Throne at the opening of the Session had called

the attention of Parliament to the subject of Law Reform, and it had particularly noticed the delays and the pressure of business which were accruing in the Courts of Assize and at the sittings for jury causes in the City of London. My Lords, that notice of the arrears of business in those tribunals was followed in the issuing, by the Government of the late Lord Derby, of the Commission called the Judicature Commission. I have seen lately some observations which have been made on the composition of that Commission and on the manner in which it discharged its work. I had the honour of being Chairman of that Commission, and—speaking for those who were associated with me on it—I venture to say, after some experience of Commissions, that a stronger Commission never was appointed, and that no Commission ever devoted itself with a greater sacrifice of time and labour to the work intrusted to it than the Judicature Commission did from the time of its first meeting till the close of its labours. My Lords, it is said that the Commission did not adopt a proper course in not taking evidence. In reply, I will remind your Lordships that there were on the Commission Judges and members of the Bar who on the questions which it had to consider possessed in their own minds all that evidence could have supplied them with. Beyond the knowledge which they possessed all that evidence would have afforded them would have been matter of opinion. On the knowledge which they so abundantly possessed they made those recommendations which have been so often referred to in the first Report of the Judicature Commission. Their first recommendation was that all the Courts of Law and Equity and the Court of Admiralty and the Court of Probate should be consolidated into one Supreme Court, which should possess the authority and power of all those Courts, and should sit in several Divisions. They recommended, in the next place, that a uniform system of pleading and procedure should be adopted in the Courts constituting the Supreme Court. They recommended, again, that uniformity should be adopted as to the sittings of the Court and as to the vacations. They recommended, in the next place, that there should be a rearrangement of the Circuits and Assizes of the country and that arrangements

should be made for the continuous sittings for jury trials in London and Middlesex. And they recommended that as to the administrative department of the law there should be consolidation and simplification of the offices with a view to economy of time and money. Those were their recommendations on the five heads I have mentioned.

But over and above these recommendations there was this further recommendation—that a Court of Appeal should be constituted which should take the place of the Court of Appeal in Chancery and of the Exchequer Chamber. To use the words of the Commission, they recommended that there “should be a Court of Appeal common to all the Divisions of the Supreme Court constantly sitting and easy of access.” They did not contemplate that there should be any change in respect to what is called “intermediate appeal.” They proposed that there should be two appeals—one intermediate and one final; and the recommendation to which I have just referred had reference to the intermediate appeal. The Commission contemplated that the Court of Final Appeal should remain as it then was. That was the Report of the Commission.

My Lords, I pass over the legislation which was attempted in 1871, and come at once to what was done in 1873. The measure introduced in this latter year followed the Report of the Judicature Commission as regards the five heads of recommendations which I have enumerated; but it departed from the Report of the Commission with regard to the subject of appeals. It provided a Court of Appeal which was to be the First and Final Court of Appeal. In other words, it abolished the intermediate Court of Appeal, and constituted a Court going altogether beyond what would be required for an intermediate Court of Appeal. Your Lordships will find it convenient to bear in mind the character of the Court of Appeal constituted by that measure. There were to have been in it five *ex officio* members—the Lord Chancellor, the Master of the Rolls, the Chiefs of the three Common Law Courts—nine ordinary Judges of Appeal; and, in addition to that judicial staff, persons who had filled high judicial office and were willing to sit as members of that Court of Appeal. My Lords, that Court of Appeal was intended for England

only; and my noble and learned Friend (Lord Selborne), who in 1873 filled the place which I have now the honour to occupy, when introducing the measure to your Lordships' House, explained that he did not include Ireland and Scotland, because those countries had separate judicatures of their own, and both countries were satisfied with the arrangement which then existed for the final hearing of the appeals from their Courts. The Bill introduced by my noble and learned Friend passed into law, and the time fixed for its coming into operation was the 1st of November, 1874. But the duty was cast on the Judges of framing before that date a complete code of Rules, based on an outline contained in the Schedule of the Act, for the carrying out of the new system when it came into operation. It was in that state of things that Her Majesty's Government found legislation in regard to Judicature when they came into office at the commencement of last year. They found that one of their first duties was one in connection with these Rules which would be necessary for putting the Act in operation, and they found that it would also be necessary for them to consider what course it was desirable should be taken with respect to final appeals in causes coming from Ireland and Scotland—seeing that no provisions were contained in the Act for that purpose. As the time drew near for the coming in force of the Act, and as the preparation of the Rules was proceeded with, it was ascertained that there were a number of details in the measure in reference to which legislative amendment would be required. It was not to be wondered at that in a measure of such novelty and magnitude various points should arise which were not sufficiently provided for by the various sections of the original Bill. The Government ascertained that not only would the Rules require to be prepared, but that some alteration must be made as regarded the provisions in the Act referring to the position of the Judge of Admiralty and the business assigned to the Court of Admiralty; also with regard to Bankruptcy and with regard to the district registries which were to be established throughout the country. The Government in addressing their attention to the question of final appeal under this Act, and the final appeal which

ought to be given in cases coming from Scotland and Ireland, resolved to be guided by three cardinal principles. I state this the more emphatically because to those principles Her Majesty's Government have throughout adhered, and from those principles they consider it to be their duty to not in any way depart. Her Majesty's Government considered in the first place that, though there might be cases where appeals would be so trivial or unimportant as not to deserve encouragement, still as a general principle, a double or second appeal should be granted. The second principle which commended itself to Her Majesty's Government was this—that there ought to be one and the same tribunal of final appeal for England, Ireland, and Scotland. The third principle was that whatever provision might be made for appeals, security should be taken that appeals should be heard before an adequate number of the most skilled and experienced judicial minds that you could at any time procure the service of. Applying these principles—which they conceived had already received the assent of Parliament, the Government considered it to be their duty to proceed on what I may describe as the lines pointed out by the Act of 1873. The manner in which the Government proposed to give effect to the principles which I have enumerated was this—They proposed that what may be called the First Division of the Court of Appeal established by the Act of 1873, should be the tribunal by which all appeals from Ireland and Scotland should be heard; and that it should be also the tribunal before which should be heard by way of second appeal any appeal from the English Courts in which the first Court of Appeal was not unanimous, or should have reversed the judgment of the Court below. If the Bill to which I am referring had received the sanction of Parliament there would have been a second appeal, subject to the check imposed against frivolous proceedings by way of appeal; there would have been one and the same tribunal of final appeal for England, Ireland, and Scotland, and in the constitution of the Court itself there would have been a security that no final appeal would be heard otherwise than before an adequate number of the most skilled and experienced judicial minds that you could at any time procure the services of.

Those being the propositions as regards the Court of Final Appeal, the Bill introduced by Her Majesty's Government contained those other provisions of detail in respect of which legislation was required in order that the Act of 1873 might be brought into operation. My Lords, I am not going through what occurred last Session—I will come to what has happened in the present one. To the Bill of Her Majesty's Government, so far as regarded the amendments which it might introduce in the Act of 1873, no opposition was offered. The opposition to it which arose in your Lordships' House—and I am not stating this for the purpose of raising any controversy, but merely that your Lordships should have a complete view of the case before you—the opposition was to the provisions in the Bill which raised the question of final appeal. The object of the opposition was to repeal the clauses of the Act of 1873 with regard to English appeals and to prevent the passing of the clauses of the Bill with regard to the Scotch and Irish appeals. Now, my Lords, if the proposal of those who took the view held by my noble Friend at the Table (Lord Redesdale) had been limited to the repeal of the sections of the Act of 1873 having reference to English appeals, possibly the Bill of the Government might have gone through this and the other House of Parliament; because, for the accomplishment of the object which the opposition would have had in view, the sanction of the two Houses of Parliament to the repeal of those clauses would have been required, and anything that might have been done here would not have affected the provisions of the Act of 1873 without the consent of the other House of Parliament: but in order to carry the provisions of the Bill relating to Ireland and Scotland the assent of both Houses would have been required. It was for this reason that Her Majesty's Government—adhering to one of the three principles which they had felt it their duty to propose—that there should be one and the same tribunal of final appeal for England, Ireland, and Scotland—when they saw it was obviously impossible to obtain the assent of your Lordships' House to the provisions relating to Scotland and Ireland, felt bound to withdraw the Bill.

My Lords, that being the history of

The Lord Chancellor

the Judicature Act and the subsequent Bills up to the withdrawal of our Bill of the present Session, I now come to the position in which I found myself when the noble Earl (Earl Granville), on the withdrawal of the Bill, asked me what course the Government proposed to adopt with reference to the Act of 1873. That was a very natural question, and I promised to give it an early reply. I cannot deny that Her Majesty's Government have received a very considerable quantity of advice since that time as to the course which they ought to pursue. My Lords, we have been told that one course which we might adopt would be to allow the Act of 1873 to come into operation as it stands next November. The objections which Her Majesty's Government entertain to that course, and which have led them to decline to take it are these:—If the Act were left to come into operation as it stands on the 1st of November next, it would come into operation with those defects and those imperfections which it was the object of a large part of the Bill introduced during the present Session to remove. But in our minds there is this stronger objection to that course—if it were adopted, it would bring into operation a severance in our appellate system, the effect of which would be to send to one tribunal the final appeals from England, and to another the final appeals from Scotland and Ireland. I say that is a course which Her Majesty's Government naturally declines to take; and, speaking for myself, I will say that I can see nothing which would be so fatal to identity of interests between the three portions of the United Kingdom as to make the Court of Ultimate Appeal for England a different one from the Court of Ultimate Appeal for Scotland and Ireland. Then we have been advised to take another course—namely, to postpone the operation of the Act of 1873 for another year. Now, my Lords, those who offer us this advice seem to me to labour under a very important misapprehension as to the proposals for the amendment of our system of Judicature. They seem to me to look—I will not say merely, but certainly to look mainly—at the question of the ultimate tribunal of Appeal, and nearly, if not altogether, to overlook the great work which the Act of 1873 was in other respects intended to accomplish. My Lords, I have said in this

House before, and I now say again—that it would be impossible to over-rate the magnitude of the Act of 1873. Beyond all question, it is the largest measure of law reform which I have ever known to be passed in this country. It covers the whole field of the Judicature of the country, and it pervades every nook and cranny of our judicial arrangements. If the measure were to be postponed, I would ask your Lordships to look at what the consequences would be. I will not say that in expectation of the operation of the Act the arrangements of the Courts are paralyzed; but I will say that in expectation of its coming into operation there is a complete want of the necessary arrangements for the development of our system of Judicature. It was only the other day I had occasion to read with some care the Report of a Commission on the administration of the Courts of Justice presided over by Lord Lisgar. That Report contains most valuable information and most valuable suggestions as to nearly all the offices of the Courts; but in almost every page the Commissioners felt obliged to state that until the Judicature Act comes into operation they will be unable to calculate exactly what will be the amount of work to be done, and what ought to be the changes and retrenchments in the staff of the officers of this or that Court. Almost invariably the Commissioners defer their conclusions till after the coming into operation of the Judicature Act; and finally they recommend that in six months after the date when it shall come into operation there should be a departmental Commission appointed to give effect to the general recommendations they suggest. Again, take the case of the local registries. In the Act of 1873 provision is made for the establishment of these registries. I know nothing which at this moment creates greater interest throughout the country. Applications have been coming from all parts of England during the last two years, asking for the appointment of local Registrars. Again, let me take the business of the Assize Courts. I can well remember what led to the issuing of the Judicature Commission. I remember the late Lord Derby stating that he had read a representation as to the state of things in connection with the Assizes for Lancashire, and he told me that he thought a strong case had

been made in reference to the immense amount of business to be done at those Assizes and the deficient arrangements for its discharge. Well, my Lords, lately I myself received a deputation from Lancashire who came up to town to complain that the evils with regard to the business of the Assizes is entirely unredressed and asking that a remedy might be applied. I was obliged to say that although I entirely sympathized with their views, yet until the Judicature Act came into operation it would be impossible for me to say what would be our judicial strength or what could be done in the way of economizing time as expected under that Act, and therefore until then it was in vain to ask for any changes, whether in the way of more frequent Assizes or the sending down of a larger number of Judges. Then take the sittings for jury trials in London and Middlesex. I have not a list before me of the state of business at Guildhall when the time came for closing the sittings after last Term, but I believe I shall not be exaggerating when I say that not fewer than 100 cases remained untried—cases in the highest degree interesting to the mercantile community of that great City, and which are undisposed of from the want of greater judicial strength and the power to continue the sittings. I will not say that this is entirely owing to the fact that the Judicature Act has not come into operation; but I do say that until that Act does come into operation no effective remedy for such a state of things can be applied. Then there is the unsettled question of the exact boundary which ought to be drawn between the jurisdiction of the County Courts and the jurisdiction of the Superior Courts; and in this respect it is impossible to make any change until the Judicature Act is in operation. Besides all this there is the case of Ireland. The system of law and judicature in Ireland being almost the same as the system in England, it is proposed to introduce for Ireland a change similar to that which the Judicature Act will effect in this country; but it is idle to bring in a Bill for Ireland—though one is prepared and ready for introduction—until there is a certainty that, at all events within a limited period, the English Act will actually come into operation.

I now ask your Lordships to turn for

a moment to that portion of the Act which is connected with the question of Ultimate Appeal, and in respect of which it appears to me considerations of urgency must be put on a very different footing. What is the case at the present moment with regard to the two great tribunals of Ultimate Appeal—the Judicial Committee of the Privy Council and your Lordships' House? I remember when, not many years ago—only four years ago, when the Act was passed for the appointment of four salaried members of that tribunal—your Lordships were informed that there were at that time in the Council Office in various stages of maturity for hearing upwards of 300 appeals from the Colonies and from India. Your Lordships and Parliament were struck with the magnitude of those arrears, and you passed the Act to which I have referred. My Lords, I find that at the present moment there are in the office of the Judicial Committee, instead of 300 or 400 appeals, about 100 cases as to which appeals have actually been lodged. But when I turn to see what are the arrears of cases waiting for hearing, I find from the official list that for their sittings which commence next week the whole number of cases ready for hearing amounts to ten—six from Bengal, three from the Court of Admiralty, and one from Canada. I think your Lordships will agree with me that the state of things as regards the Judicial Committee is most satisfactory. I now turn to the Business in your Lordships' House. It is somewhat remarkable that the state of legal business in this House is, I will not say without parallel in my remembrance, but I am told by the officers of the House that they do not remember such a state of things before. At the commencement of this Session your Lordships had standing for hearing 24 appeals. Before your Lordships adjourned for the Easter Recess, of these 24, 20 had been heard and decided; one of the remaining four is now under compromise, and one was heard and disposed of to-day. Between the commencement of this Session and Easter, 19 new appeals have been lodged and have to be disposed of; so that your Lordships' House have, in all, to dispose of two appeals remaining over since before Easter, and 19 new appeals set down for hearing—21 in all. My Lords,

The Lord Chancellor

I remember the time when it was regarded as a satisfactory position of affairs that all appeals which were remanets at the beginning of the Session had been heard before its close; but this year your Lordships see that virtually all the appeals set down for hearing at the beginning of the Session were disposed of before Easter. So much for the business; now for the Judges. In addition to the Lord Chancellor, we have had the presence during the hearing of appeals of three noble and learned Lords who are ex-Chancellors, and of my noble and learned Friend the late Lord Chancellor of Ireland. I think your Lordships will not consider that unsatisfactory either as regards the disposal of the cases or the number of the Judges. My Lords, such being the considerations of urgency in respect of different portions of the Judicature Act, what Her Majesty's Government propose is this. They propose for the present to detach what I will call the more urgent part of the Act of 1873 from that part which is not equally urgent; and they propose to introduce a Bill which will provide for all those amendments in matter of details which are necessary to be made before the Act of 1873 can be brought into operation. I shall to-night lay such a Bill on the Table, and ask your Lordships to give it a first reading. I may here add that as considerable interest has been evinced in regard of the Rules which were to supplement the Act of 1873, though I did not, in the first instance, think it necessary to burden a Bill with them; yet, yielding to the anxiety expressed that they should appear at the same time, I propose that the Rules which have been approved by the Judges should be printed in the Schedule of the Bill which I shall lay upon the Table. Those Rules will give the Bill an appearance of bulk, the cause of which your Lordships will now understand. The Act of 1873 would come into operation on the 1st of November if Parliament took no further action with respect to it. I am not without hopes that if Parliament agree to the Bill which I am about to introduce both it and the Act of 1873 may be in operation before that date; and I think it would be a great advantage if the Act could be brought into operation even before the Summer Assizes. That, however, must depend not only on this,

but also on the other House of Parliament.

Now, my Lords, some explanation is necessary as to an important provision of the Bill—I mean the proposal for an intermediate Court of Appeal; not only is it of importance, but it is of special importance, when you are making large changes in the judicial system of the country and in the law which is to be administered by the primary Courts. As I mentioned, the recommendation as to appeal contained in the Report of the Judicature Commission was for an intermediate Court of Appeal—a Court of Appeal common to all the Divisions of the Supreme Court, constantly sitting and easy of access. We propose that a Court should be constituted, to consist of five *ex officio* members—the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Chief Justice of the Common Pleas, and the Chief Baron of the Exchequer. Of course these Judges—I speak more particularly of the three Chiefs of the Common Law Courts—having their primary duties to discharge, cannot be expected to sit constantly in the Court of Appeal—they cannot give more than a portion of their time to this duty, though they will be relieved from sitting in the Exchequer Chamber; but in addition to these five *ex officio* Judges of the Court of Appeal, there will be five ordinary Judges. You will observe, my Lords, the difference between this proposal and that in the Act of 1873. Under that Act there were to have been nine ordinary members of the Court of Appeal—under our Bill there will be five—the two Lords Justices of the Court of Appeal in Chancery, two of the salaried Members of the Judicial Committee of the Privy Council—because I think the state of business before that Committee will admit of two of the paid Members being appointed on the new Court of Appeal—and one other Judge to be appointed in the manner pointed out in the Judicature Act. I cannot but think it of great importance that the Court of Appeal which is to watch and superintend the proceedings of the primary Courts, should not sit in various Divisions. Now, as regards the number of Judges who must be present. We propose that with regard to all decrees and judgments which lawyers understand by the term “final” decrees and judgments, and

which may be popularly described as decrees and judgments which dispose of the whole question, the Court of Appeal shall consist of not fewer than three members. With regard to appeals from interlocutory decrees and judgments—decrees and judgments deciding questions of practice, or which do not dispose of the whole of the merits of the case—we propose that there shall be, at least, two Judges present. We know from the state of business in the Court of Chancery that all such decrees and judgments may be disposed of in that way. That being the course we propose for intermediate appeals, your Lordships will ask what is to be done with the question of final appeal. The proposal of Her Majesty's Government is to detach for the present the large and comprehensive provisions of the Judicature Act from the question of the Court of Final Appeal. We propose to ask Parliament to suspend for 12 months the operation of those two clauses of the Act of 1873 which negative or take away the Appellate Jurisdiction of your Lordships' House; we propose, therefore, that during that time, appeals should run, as they run at present, from the intermediate Courts to this House. But we propose that with a view of carefully keeping alive the control of Parliament over the Act of 1873, there shall be no repeal and no alteration of that Act in respect of the provisions relating to Appellate Jurisdiction. Her Majesty's Government desire to present that question in the next Session of Parliament as a separate and distinct question, unembarrassed and unburdened by the numberless questions which arise in the improvement of our general system of Judicature.

I might stop here, but I cannot do so without making one or two further observations. I say here also that I do not wish to stir up a controversy or enter on debatable ground; but I consider it desirable that those whose minds are turned towards the question of a Court of Final Appeal should have before them all the information I have obtained on the subject. I think it extremely important that whenever this question is to be decided, the public and your Lordships should know, as far as I have been able to make observations on the subject, both the extent of the work to be undertaken by any tribunal of Ap-

peal and the principles upon which such a tribunal should be constituted. It may appear somewhat paradoxical to say so, but it has always been my opinion that in regard to the constitution of a Tribunal of Ultimate Appeal the matters generally urged are more of form than of substance. I have always been anxious to secure in any Tribunal of Ultimate Appeal what appears to me to be the substance—the presence of an adequate number of the most competent minds you can obtain. I am not, your Lordships will easily understand, speaking of individuals—I am speaking on a broad question as it has been for 100 years, and as it may be for 100 years to come; and I say I believe that neither in this nor in any other country will you ever find more than a very limited number of persons who, from judicial experience and training, would be desirable, or I may say, competent, for the ultimate decision of great questions of appeal. Whether that tribunal is to be found in your Lordships' House, whether it is to be found in the Judicial Committee of the Privy Council, or in a Court which will be neither inside this House nor inside the Privy Council, appears to me to be a matter, I do not say unimportant, but a matter of minor importance. It appears to me to be a matter, perhaps of sentiment, perhaps of prestige, perhaps of traditionary honour and dignity. But I am anxious that those, whoever they may be, who will have to consider the question, should keep alive the broad distinction between what is substance and what is comparatively unsubstantial. My Lords, it was for this reason that before the Committee of your Lordships' House, which sat in 1872, I ventured to propose, and the Committee adopted, a proposal which inside of this House would have secured, I think, a tribunal which would have preserved equally the prestige and the traditionary honour and dignity of the House. It was for this reason, that when my noble and learned Friend (Lord Selborne) introduced his Bill in 1873 I was content with the tribunal which he proposed in that Bill, although it was a tribunal of a different character from that which had been suggested in the Committee. It was for this reason that last Session, in answer to my noble Friend the Chairman of Committees, I stated that in the tribunal which the Government then

proposed, I was willing to admit there would be wanting the dignity and prestige which must attach to your Lordships' House; but that there would be secured, on the other hand, the presence of those whose judicial strength would constitute the greatest and best security for a satisfactory disposal of appeals. And, my Lords, I think that is the main and cardinal point to be considered when this question comes to be determined. But I wish to go a little further. I think your Lordships ought to be informed, and ought to bear in your minds exactly what is the work which any Tribunal of Ultimate Appeal will have to discharge in this country. It is very remarkable that if you detach, as we propose you should detach, the question of ultimate appeal from the litigation that may arise before any other tribunal, we are able to tell almost to an exactitude what would be the work that that Tribunal of Ultimate Appeal would have to perform. When I look to the Judicial Committee of the Privy Council I find that during the last four years—that is, during the years in which there have been salaried members of the Judicial Committee—there has been an average of 108 appeals disposed of every year. That is a high average—too high an average to be taken as indicating what will have to be done in future years, because four years ago that tribunal having the great arrear of appeals to which I have referred, has had to dispose of more than a normal number of appeals. But I take the number at 108 a-year. Of those appeals there have been 13 from the Admiralty Court. It is not unsafe to suppose that when the Admiralty Courts go to the intermediate Court of Appeal these Admiralty appeals will be reduced by 10 every year. The result will be that, as far as the business of the Judicial Committee is concerned, 98 appeals will have to be disposed of in a year. I find that the average number of appeals disposed of in your Lordships' House in a year is 40. Adding these 40 to the 98 appeals disposed of by the Judicial Committee in a year, there would be 138 appeals to be disposed of in a final stage in this country. Now, how long does it take to dispose of 138 appeals? Your Lordships will be surprised to find how very near a reckoning may be made on that point. I recollect that when Lord Kingsdown presided in

the Judicial Committee of the Privy Council, the allowance that used to be made was that, taking the rough with the smooth in the course of the year, an appeal took a day. I find that taking the last 10 years of the Judicial Committee of the Privy Council—whether it is that counsel have become more elaborate in their arguments or not I do not know—the average is a day and a-third; and in your Lordships' House—probably owing to the same cause and to the interruption of adjournments—the average is a day and three-fourths. For the hearing of 98 appeals in the Judicial Committee 131 days are required, and for the hearing of 40 appeals in this House 70 days are required, which make 201 days altogether; and if you reckon for the Judicial Committee a sitting in the year of 33 weeks of six days each, you have 198 days:—so that the appeals to be disposed of can as nearly as possible be disposed of by a tribunal sitting as one tribunal in the course of the year. I pointed out to your Lordships that in constituting the Court of Intermediate Appeal we propose that there should be only five ordinary Judges. We leave untouched the four other Judges, whose services were taken under the Judicature Act of 1873—I mean the two salaried Judges of the Privy Council and two additional Judges authorized to be appointed under that Act. Now, in whatever form the matter may be dealt with hereafter, it is, at all events, perfectly obvious that Parliament will have even in these materials ample strength to dispose of the amount of appellate business which I have described. I go no farther than this—I do not desire in any way to anticipate the proposals which Her Majesty's Government will deem it right to make next Session on this subject. I have stated to your Lordships as fairly and as fully as I can the amount of work to be done with the proposals we make for the present Session.

My Lords, I will conclude by laying on the Table the Bill to which I have referred. I will ask your Lordships to give it a first reading to-night, and I propose to fix the second reading for Friday next.

A Bill to amend and extend the Supreme Court of Judicature Act 1873, *presented* by the Lord CHANCELLOR.

LORD SELBORNE: My Lords, there are some observations of my noble and learned Friend which I think I ought not entirely to pass without notice. In the first place, my noble and learned Friend said—and said truly—that what the Judicature Commission recommended as to a Court of Appeal was an Intermediate Court of Appeal, leaving the final appeal as it was at the time. The Judicature Commission were not authorized to deal in any way whatever with the question of the jurisdiction exercised either by your Lordships' House or by the Judicial Committee of the Privy Council: and in their Report they noticed that limitation of their powers. Although it is true that the Act of 1873 did, as far as it dealt with final appeals go beyond the recommendation of the Judicature Commission, it cannot, I think, with any accuracy be stated—nor did I understand that my noble and learned Friend intended to convey that meaning—that it departed from the recommendations of the Commission upon a point which it was within the province of that Commission to deal. My noble and learned Friend has stated the three cardinal principles which Her Majesty's Government desire to keep in view in dealing with the question of final appeal—the first of them being that there should be in substance a double appeal, with safe-guards against its abuse; the second, that some Court of Final Appeal should dispose of appeals from all the three branches of the United Kingdom; and the third, that the Court of Final Appeal should be as powerfully constituted as possible. If there be in this respect any difference of opinion between my noble and learned Friend and myself it is rather as to the manner in which effect should be given to those principles, and the meaning and extent of the first of them, than on any other point. As far as the constituting a Court of the greatest possible strength is concerned, I agree with my noble and learned Friend without the least qualification or exception. Indeed, I flatter myself that Parliament arrived at that result when it passed the Judicature Act of 1873; and, further, that it amply provided by its 52nd clause for all that might be necessary in the way either of re-hearing or re-arguing cases before the final appeal came to be pronounced. That section was in these terms:

"Any appeal for any reason may be deemed fit to be re-argued before decision, or be re-heard before final judgment, and may be so re-argued or re-heard before the greater number of Judges if the Court of Appeal think fit so to direct."

My noble and learned Friend, in his Bill of last year, proposed to modify that provision by defining the particular cases—namely, those in which the Court of Appeal had differed, or those in which they had reversed judgments, as cases in which a second hearing should be deemed right. When that modification was proposed, though I differed in opinion from my noble and learned Friend, and held that the object he had in view was sufficiently met in the Act of 1873, I was willing to waive that difference of opinion—I did not look upon it as a difference in substance. Passing to another branch of the subject, I may say that I never concealed my opinion as to the desirability of having one Court of Final Appeal for the three branches of the United Kingdom, or that this result would have been ultimately arrived at if the arrangements under the Act of 1873 worked—as I fully believed they would work—well and successfully. At the same time I thought that time and experience might be necessary for that purpose, and that we could, without any serious inconvenience, wait until the matured opinion of Ireland and Scotland had declared itself in favour of their accession to the arrangement which had been adopted in England. My noble and learned Friend said, when I first introduced the Judicature Bill in 1873, that he thought I had done wisely in not proposing in that measure to deal with the subject of Scotch and Irish Appeals; and, on a later occasion, when the noble Lord the Chairman of Committees proposed, during the same Session, to affirm the proposition that there should be one Court of Final Appeal for all parts of the United Kingdom, my noble and learned Friend gave his reasons for not then adopting that conclusion, and showed that there might be sufficient cause for treating the question as to Scotland and Ireland as separate and distinct from that as to England. I gather from what my noble and learned Friend has now said that his present opinion is hardly in accordance with that view; but I have at least the comfort of knowing that our views

were not far at variance when, in 1873, I explained my reasons for not including the Scotch and Irish appeals in the Bill which in the course of the Session became the Judicature Act. I do not refer to this fact as if I thought that any man is always bound to adhere to an opinion which he has once expressed upon an important subject; but as, at all events, going some way to justify the course which the late Government took in order, if possible, to solve a difficult and important question, if it was to be solved by means of any alteration of the jurisdiction of your Lordships' House. I do not believe that if it had then been proposed to establish one Court of Final Appeal for all three branches of the United Kingdom your Lordships would have been induced to part with your whole jurisdiction—because at that time Scotland and Ireland, which had a right to be consulted, had not given expression to such a kind of opinion as would have justified that course. It will be in the recollection of your Lordships that when the Bill went to the House of Commons, Notice was given of a Motion which would have had the effect of extending the provisions of the Bill to Scotland and Ireland. At that stage of the measure the then Government for the first time received representations purporting to represent the general feeling of the Judges and the Bar of Scotland and of Ireland, in consequence of which they felt themselves compelled to consent to an extension of their original proposal.—[3 *Hansard*, cxxvi. 1561.] On this being made known to your Lordships, my noble and learned Friend who is now the occupant of the Woolsack objected to the manner in which the change was proposed to be made, and for that reason it was not possible to persevere with it. I cannot but express my deep regret that this premature proposal was then made; for it was contrary to my original judgment as to the best manner of dealing with the question, and I believe that if no such step had been taken at that time it would have ultimately resulted in the spontaneous accession of Scotland and Ireland to the new system. The course was forced upon the Government of the day, and I think I am justified in complaining of those whose pressure then contributed to that step, but who have since gone round to the opposite view.

I do not think the time has come for examining in detail the proposals contained in the Bill which my noble and learned Friend now asks us to read the first time; but my noble Friend will excuse me if I venture to suggest a certain degree of apprehension that his Intermediate Court of Appeal may be too weakly constituted for the purpose of working the system embodied in the Judicature Act. It will be in the recollection of your Lordships that representations full of alarm were made to this House by an extraordinarily large number of barristers practising in the Courts of Equity, to the effect that in the fusion of the administration of Law and Equity sufficient consideration would not be given to the principles of Equity. I could not but think that in this view less than justice was done to the members of the Judicial Bench, in supposing that they could neither administer nor acquire a knowledge of the principles of Equity. I felt the more confident on this because I had had large experience of the Judicial Committee of the Privy Council, and had seen how Judges educated either in Equity or at Common Law in the English Courts were able, to the satisfaction of India and the Colonies to administer many branches of law with which they had not originally any acquaintance. Another answer made to these representations was that the keystone of the whole arch was the Court of Appeal, in which would meet together the most experienced representatives both of Equity and Common Law—among them being, as not the least important elements, the Lord Chancellor for the time being and the other noble Lords who had previously filled that office. Their assistance would be most valuable to the Court of Appeal upon all important questions affecting the principles of Equity as they were to be administered after the fusion of the two systems. That Intermediate Court of Appeal will now, as my noble and learned Friend has pointed out, have to discharge in the main the great business of appeal, the ultimate business coming before the Final Court of Appeal being comparatively small in amount. One reason why so few cases come to your Lordships at present is that the existing Courts of Intermediate Appeal are powerfully constituted, and in the great majority of cases give satisfaction to the

suitors. If, therefore, there is to be this intermediate appeal followed by a final appeal, it is of the utmost importance that the Intermediate Court should be powerfully constituted with respect to the representation of the principles of Equity. But when I look at the mode in which it is proposed to be constituted what do I find? The Lord Chancellor is to be *ex officio* a member; but as long as all the business of the final appeal is to be done in this House the Lord Chancellor will be here and not there. As regards the Master of the Rolls too, he must ordinarily be occupied for the most part in his own Court, and can only occasionally be in this Court of Appeal. There remain the Members of the Judicial Committee of the Privy Council. Now I have the very highest opinion of the able and learned gentlemen now serving upon the Judicial Committee of the Privy Council. I quite believe that any one of them would be capable of dealing with equitable cases in the most satisfactory manner. But in order to ensure that full confidence which it is desirable that the profession and the public should have in the constitution of the Court, it is certainly important that a sufficient number of its Judges should have that special experience which is afforded by practice, while at the Bar, in the Courts of Equity. Of those four Judges only two have been brought up in the practice of that system. Altogether this new Court of Appeal is weaker as to Equity than under the circumstances I am bound to say I think desirable. There was one subject on which I think I collected the intention of my noble and learned Friend, although he did not quite clearly express himself respecting it—I mean the Judicial Committee of the Privy Council. I take it for granted that it is the intention of my noble and learned Friend to retain the present system of the Judicial Committee and its jurisdiction unaltered.

THE LORD CHANCELLOR: That is so.

LORD SELBORNE: The jurisdiction of the Committee with respect to ecclesiastical cases, therefore, remains. I do not know whether that is a public misfortune, but it will carry small comfort to those who were so anxious to destroy the jurisdiction of the Privy Council in ecclesiastical cases. I have observed, on the list of the so-called

Committee formed for the restoration of the jurisdiction of this House in English Appeals, the name of at least one noble Lord who last year manifested great anxiety to put an end, at the earliest possible period, to the functions of the Judicial Committee as a Court of Ecclesiastical Appeal. I congratulate that noble Lord on the success of his labours; and, if I might presume to offer him my advice, it would be to hesitate another time before he shows equal zeal for the pursuit of two incompatible objects at the same time. It is only due to my noble and learned Friend that I should state my opinion of the course which the Government have adopted. Had I been in his position I would have preferred to let the Act of 1873 come into operation, rather than suspend it either partially or altogether—for I thoroughly and cordially agree with what has been said as to the evil of prolonging a transition state in our judicial system. Under the circumstances, I am certainly glad that my noble and learned Friend has not encouraged the expectation that the Judicature Act can never come into operation. With reference to the particular arrangements of my noble and learned Friend, I think it better to reserve any further observations which I may have to make till a future stage of the Bill. I may only observe in conclusion that it is to me very satisfactory to find that my noble and learned Friend has not, once and for all, extinguished the hopes which have been entertained of a settlement of this great subject, on the footing of the arrangements made in 1873, but that he has taken a course which will refer to the deliberate judgment of the country the great question whether or not we are to have the best possible Court of Appeal without regard to sentimental or political considerations.

LORD PENZANCE regarded the course which his noble and learned Friend on the Woolsack had taken to extricate them from the difficulties arising out of the legislation of 1873 as decidedly, and beyond all question, the best which was open to them under the circumstances. He believed the Act of 1873, as to the greater part of its provisions, would have worked enormous benefits to the community—both in diminishing the delay and reducing the expense—and he believed no benefit could arise

from delaying the operation of the Act for another year. But the Act contained one provision which he had always held to be most detrimental—namely, that it created one single Court in England, which would hear between 400 and 500 appeals a-year, which would pronounce judgments that were absolutely irreversible for all time, except through an Act of Parliament, and which would decide the law for ever in all cases of a like nature. A Court possessed of that power would be capable of doing an inconceivable amount of harm to the Judicature of this country. His noble and learned Friend, when he introduced the Bill last year, endeavoured to remedy that evil by providing that there should be a second appeal. There was a considerable difference between the proposal then made by his noble and learned Friend on the Woolsack and that which was made by his noble and learned Friend who had just spoken, in 1873. Under the Act of 1873, there was to be no second hearing, and the judgment of the Court was to be conclusive; unless it was determined by the Court itself that a case should be re-heard—no power was given to the suitor to insist on such an appeal. That was a cardinal provision in the Act of 1873, and it was that provision which took away the ultimate appeal to the House of Lords. Now, however, there was a very general opinion entertained that there ought to be a second appeal, as a matter of right, at the election of the suitor against whom the decision happened to be given, and not merely at the option of the Court. As to the cases of Scotland and Ireland, it was argued that it was unfair to propose the adoption of one system for them, and of another for England; and that if one Court of Appeal was good for English suitors, it must be equally good for those from the other Kingdoms—that was how the matter, as it affected Ireland and Scotland was put; and the bringing of those two countries as regarded a Court of Appeal into the same category with England was not, therefore, placed upon the footing which his noble and learned Friend, who had just sat down, stated. He confessed, he might add, that he had heard with great satisfaction that his noble and learned Friend (Lord Selborne) was pleased with the speech which had been delivered by the

noble and learned Lord on the Woolsack on a former occasion, because last year he had taken the opportunity of reading to his noble and learned Friend some remarks of his own when introducing the Judicature Bill, in which he pointed out, in regard to the proposal for bringing Scotland and Ireland into the same category as England, that it was desirable some delay should occur, and some experience of the new Court of Appeal be obtained, before any such proposal was adopted. Yet, notwithstanding those remarks, his noble and learned Friend last year supported a proposal to extend to Ireland and Scotland at once, and without experience of its working, the very same system which was to be applied to this country. His noble and learned Friend had, he thought, very little ground for complaining of the course which had been taken by the noble and learned Lord on the Woolsack on the subject. With respect to the immediate point at issue that evening, he concurred with his noble and learned Friend in thinking that his noble and learned Friend on the Woolsack would do well to reconsider whether the Court with which it was proposed to begin would be strong enough for the work which would come before it. He believed he might add that the effect of the decisions of the new Court would be very much greater if the splitting up of the Court of Appeal into two or three separate sections were not resorted to. He should like to see one Court of sufficient strength to secure for its decisions that weight and authority with the country which it was so desirable should exist. On the whole, the plan of the noble and learned Lord on the Woolsack was one which, in his opinion, would give great satisfaction to the country.

LORD HATHERLEY said, he was glad to find that a question the settlement of which had been so long impeded by political feeling was now discussed with the single view to the establishment of as efficient a Court of Appeal as possible. He must, however, protest against the continuance of the delay in the constitution of such a Court. Under the existing system there might be one decision of the Judicial Committee of the Privy Council on an appeal from Australia, and the House of Lords might arrive at a different conclusion on an

appeal from home; and one of the best arguments in favour of having one general appellate jurisdiction for the whole Empire was the advantage of avoiding the conflicting decisions that might very well occur between the Privy Council and the House of Lords. It was a great pity that such a state of things should be allowed to continue to exist, and it was disappointing to all law reformers that a measure which proposed to remedy it should be thrown over. If ever there was a measure that had been thoroughly and exhaustively considered, it was the Act of 1873. As to the cases of Scotland and Ireland, much had been said as to the weight of authority among lawyers being against the transference of its jurisdiction from the House of Lords; but those who could give the best evidence on the subject were the leading counsel accustomed to practice before the House as a Court of Appeal, and in that respect no persons could furnish more valuable testimony than his noble and learned Friend on the Woolsack and the noble and learned Lord who had preceded him (Lord Selborne) because of their great experience. Without any feeling of acrimony towards anyone concerned in that matter, he entered a protest against a Bill which had been introduced after so much consideration, and for which even its opponents must admit so much could be said, being entirely dropped—simply on the threat of a Motion that was never made, and without a discussion in that House, and without anybody knowing who those were who had set in motion the peculiar committees that had been formed on that subject. It was deeply to be regretted that under those circumstances the whole matter was to be postponed; and now he was afraid that it might be postponed indefinitely, because ultimately the Government might still further change its mind, and what had been done might be absolutely reversed. With regard to the Judicial Committee of the Privy Council, he had himself brought in a Bill which led to the appointment of four Judges to that tribunal. The Bill was made a temporary one—for two years only—because it was thought to be so certain that some measure constituting a new Court of Appeal would pass the Legislature in a short time. Happily, however, that expectation did not prevent their remedying the grievance under

which Indian suitors laboured, and he was gratified at finding that the appointment of those four Judges to the Judicial Committee under that Act had cleared away a mass of Indian appeals and placed the business of the Committee in a satisfactory state. That was a great satisfaction to his mind, because he had been determined that that Act should be carried into effect, although he had met with a good deal of difficulty in doing it. The noble and learned Lord on the Woolsack had the justice to say that those Judges disposed of 108 appeals in the year, and he had not heard a word of complaint on the part of the suitors of that Court. One word as to the Bill which the noble and learned Lord proposed to introduce. There was a difference of opinion in the profession as to whether the Rules that were framed should be incorporated in an Act of Parliament. For himself, he thought that by taking that course a rigidity that was undesirable would be given to Rules which would require to be modified from time to time as experience and the necessities of mankind required. The noble and learned Lord on the Woolsack said that he specially aimed at obtaining a Court of Appeal composed of the utmost judicial experience obtainable; but the proposal of his noble and learned Friend would hardly secure that object, because it would take the three Chiefs of the Common Law Courts, who in almost every instance were chosen from the Law Officers of the Crown, and who were therefore of limited judicial experience. He differed entirely, however from the noble and learned Lord as to the necessity of previous judicial experience. Experience gained by practice before the Judges was very valuable in all cases. The late Lord Kingsdown had no judicial experience before he sat in that Appellate Court which his judgments had made famous; and his noble and learned Friend the late Lord Chancellor (Lord Selborne) had no judicial experience before he occupied the Woolsack with so much distinction.

THE LORD CHANCELLOR said, he wished to say a few words to prevent misunderstanding. With regard to the Chiefs of the Superior Courts of Common Law not having had any judicial experience, he should have thought that the Lord Chief Justice of the Court of Queen's Bench had had about as long

judicial experience as any person in this Kingdom; and that, also, the judicial experience of the Lord Chief Baron of the Exchequer had not been inconsiderable. The noble and learned Lord who spoke last (Lord Hatherley) however, had entirely misunderstood him. When he referred to the necessity of judicial experience, he was speaking of a Court not yet constituted—a Court of Final Appeal—and the manner in which its members ought to be selected. The Court of which the Chiefs of Common Law were members was the Court of Intermediate Appeal, and that he had said nothing about. The noble and learned Lord was also under a misapprehension as to the Rules. The noble and learned Lord did not seem to be aware that the Act of 1873, which was the law of the land at present, had 60 odd Rules in a Schedule, and those Rules did not form clauses of the Act, but were called Rules of Court, which, after the passing of the Act, the Judges would have power to alter. All that was now proposed was to add to those Rules certain other Rules, which it was necessary to make, and to put them all into shape in a consolidated form. In other words, the Schedule of the Act of 1873 would be repealed, and be replaced by another Schedule, containing the same Rules with additional ones. In regard to another matter, he wished to point out that 33 weeks were by those Rules to constitute the judicial year; and although he did not expect that every member of the Court of Appeal would sit on all the 198 days, yet he thought that such a Court ought to be constituted in a way which would allow to individual members the amount of relaxation they required without interfering with the regular course of the sittings. As to the general question of the jurisdiction of this House, views had been attributed to him to which he had never given utterance. His opinion as to that jurisdiction was expressed in the Report of the Committee which sat in 1873, and by the expressions in that Report he fully abided. They were expressions favourable to the manner in which the House had exercised its jurisdiction, and his noble and learned Friend had voted with him in favour of that Report.

LORD HATHERLEY said, he had not so voted.

Lord Hatherley

THE LORD CHANCELLOR referred to the official paper in proof of what he stated.

LORD HATHERLEY said he proposed a separate Report.

THE LORD CHANCELLOR replied that that separate Report had been withdrawn, and that the noble and learned Lord then voted with him. Allusion had been made to what he said in 1873 about the course taken by Lord Selborne in not including Scotland and Ireland in the Bill of that year. He would be the first man in the world to admit that he saw reason to change an opinion which he might have on a former occasion expressed. In the present instance, however, he saw no such reason. He said in 1873 that he thought his noble and learned Friend took a very wise course in confining the Bill to England. He was aware that further legislation would be necessary before the measure came into operation, and it was in his belief that in 1874, Scotland and Ireland would be found willing to come in. This would, in all probability, have been the result, but for the sudden and somewhat unhappy change of opinion which had taken place. The remarks he made in 1873 were not really inconsistent with what he maintained to be the principle on which any new Court of Appeal should be constituted—namely, that it should embrace the Three Kingdoms.

Bill read 1st; to be *printed*; and to be read 2nd on *Friday* next. (No. 48.)

MUSICAL ENTERTAINMENTS BILL [H.L.]

A Bill to amend the law relating to musical and other entertainments in the Metropolis and neighbourhood—Was *presented* by The Duke of SAINT ALBANS; read 1st. (No. 49.)

House adjourned at quarter before Eight o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 9th April, 1875.

MINUTES.]—SUPPLY—considered in Committee
—NAVY ESTIMATES.

PUBLIC BILLS—Ordered—Waste Lands (Ireland)*.

Second Reading — Pier and Harbour Orders
Confirmation * [111].

Considered as amended—Bank Holidays Act (1871) Extension and Amendment* [30],
debate adjourned.

BOARD OF NORTHERN LIGHTHOUSES.

QUESTION.

DR. CAMERON asked the President of the Board of Trade, Whether his attention has been called to an appointment recently made by the Board of Northern Lighthouses to the secretaryship to that Board; whether an attempt or attempts had been made by that Board, or some of its members, prior to the resignation of the last secretary, to obtain the sanction of the Board of Trade to a larger salary than had hitherto been paid in the case of newly appointed secretaries; whether, during the absence on various occasions of the last secretary his duty was satisfactorily performed by another official of the Board, who was a candidate for the appointment; and, whether there were any reasons for appointing to the office an advocate of no experience in the work, and overlooking the claims of an experienced servant?

SIR CHARLES ADDERLEY: Sir, my attention has been called to this subject by the Commissioners of Northern Lighthouses, who have reported to me that they have recently filled up the vacancy in the office of secretary, caused by the retirement, after 49 years' service, of Mr. Cuninghame. Prior to that gentleman's retirement, the Commissioners endeavoured to induce the Board of Trade to increase the salary of future secretaries beyond the amount which the Board had recommended. The amount recommended by the Board of Trade and the amount desired by the Commissioners were both in advance of the salary paid to Mr. Cuninghame when first appointed secretary. The Commissioners inform me that during the absence of the secretary, the routine business of the office was done by one of the clerks, but the duties of the office of secretary were not discharged by the official referred to in the Question. The Commissioners state that a large majority of them considered the gentleman recently appointed to possess the highest qualifications in every respect for the office, and it was their act not appointing the official referred to.

EDUCATION (SCOTLAND) ACT 1872.

QUESTION.

SIR GEORGE DOUGLAS asked the Lord Advocate, Whether it is his intention during the present Session to take any steps to amend "The Education (Scotland) Act, 1872," with the view of rendering more clear the meaning of its clauses, and thereby putting a stop to the litigation which is so general, and which is interrupting the harmony between School Boards and schoolmasters?

THE LORD ADVOCATE: Sir, several applications have been made for the purpose of obtaining amendment of the Education (Scotland) Act, 1872. I have submitted these to the Government, and the communication which I am authorized to make to these applications and to the Question of my hon. Friend is, that as the Act has come into operation so lately, the most expedient course will be to wait until the Government has had longer experience of the working of the Act before they determine to introduce a Bill for the purpose of amending its clauses. It is matter of regret that the litigation referred to by my hon. Friend should exist between the school boards and the schoolmasters, but the decisions of the Courts in these cases may render it unnecessary to proceed with certain of the proposed Amendments; and it is to be hoped that, in the meantime, a spirit of conciliation may prevent further litigation between those upon whose harmonious acting so much of the success of the schools depends.

MINES—(BELGIUM AND PRUSSIA).

QUESTION.

MR. KNOWLES asked the Under Secretary of State for Foreign Affairs, If he has obtained the information asked for on Monday the 27th July 1874, namely, if he will lay before the House any information which can be obtained through Her Majesty's diplomatic representatives in Belgium and Prussia as to the functions of the ministers of mines in those countries; whether the inspectors employed act as cheque viewers as well as inspectors on behalf of the State; what are the salaries of such inspectors; and, whether in those countries coal and other mines are owned by the State; and, if so, in what manner those Governments lease their mines, whether

at a royalty rent or at a per centage on actual profits, and at what average royalty or per centage; and, if so, when he will lay such information before the House?

MR. BOURKE, in reply, said, that information on the subject was contained in a Parliamentary Paper which had been laid on the Table for sanction. The answer to the first part of the Question was to be found on the first page, and the answer to the other parts on the second page of that Paper.

SPAIN—CARTHAGENA CLAIMS.

QUESTION.

MR. RICHARD asked the Under Secretary of State for Foreign Affairs, What steps have been taken by Her Majesty's Government to bring under the notice of the Spanish Government the claims of the English residents at Carthagena for losses sustained by them during the insurrection and siege of that city; and, whether there is any prospect of a speedy settlement of those claims?

MR. BOURKE: Sir, correspondence respecting these claims passed last year between Mr. Layard and the Spanish Government. Since the accession of the present King he had again called attention to the matter, and inquiry into these claims has been promised; and Mr. Layard was informed on the 11th of March last, that they had been referred to the Ministers of the Interior and Marine. The position taken up by Her Majesty's Government has been that the British claims should be dealt with on the same principle as the German claims, for which compensation has been rendered.

INTERNATIONAL OBLIGATIONS—GERMANY AND BELGIUM.—QUESTION.

MR. SANDFORD asked the Under Secretary of State for Foreign Affairs, Whether any complaints on the part of the German Government against that of Belgium for the neglect of its international obligations have been communicated to the English Government; and, if they have, whether they have any objection to lay the Papers relating to them upon the Table of the House?

MR. BOURKE: I see, Sir, on the Paper another Question upon this subject, proposed to be asked me by the hon.

Member for Wexford County (Mr. O'Clery), and with the permission of the House I will answer that Question at the same time that I answer the Question put by my hon. Friend. Her Majesty's Government are aware that a communication has been addressed by the German Government to the Belgian Government, calling attention to certain matters in regard to which the German Government think the Belgian Government has not fully performed its international duties. A reply to that communication has been sent by the Belgian Government to the Government of Germany. Copies of these documents have been received at the Foreign Office; but they have been communicated to the Foreign Office confidentially, and, under those circumstances, it is impossible to make them public. I may add that neither by the German nor Belgian Government has any appeal been made, in this correspondence, to the Guaranteeing Powers.

UNITED STATES—THE TREATY OF WASHINGTON—CANADIAN LOBSTERS—BRITISH COLUMBIA.—QUESTION.

SIR ARTHUR MONCK asked the Under Secretary of State for Foreign Affairs, Whether it is true that the Government of the United States have imposed a Duty upon the cans in which canned lobsters are imported into that country from the Dominion of Canada; whether the imposition of that Duty does not amount practically to a Duty upon the lobsters, and is not an infraction of the Treaty of Washington, which provides for the free importation of fish into the United States from Canada; and, whether it is true that the United States Government refuse to admit British Columbia to the advantages of the Treaty of Washington on the plea that she was not incorporated with the Dominion of Canada until after the ratification of the said Treaty, or on any other plea?

MR. BOURKE: No communications, Sir, have been received at the Foreign Office on the subject either from Sir Edward Thornton or the Governor General of Canada. Her Majesty's Government have therefore no official information upon the subject. I am told by my hon. Friend the Under Secretary for the Colonies that these matters have been adverted to in the Dominion House of

Commons; but, as I have stated, no representation on the subject has been made from that country. With regard to the latter part of the Question, I cannot say whether the course taken is an infraction of the Treaty of Washington, so far as it provides for the free importation of fish from Canada.

ARMY ESTIMATES—THE SUPERANNUATION LIST.—QUESTION.

CAPTAIN NOLAN asked the Paymaster General, If, in Vote 24, Army Estimates, for 1875-6, the first name on the Superannuation List is that of an officer who died in February, 1874?

MR. STEPHEN CAVE: Yes, Sir, it is so. I may say that the Army Estimates are prepared in the War Office, and not in the Paymaster General's Office, but to save trouble I have made the necessary inquiries. The facts are these—Major Adams's pension was granted after the Estimates for 1874-5, Vote 24, were prepared, and, therefore, could not appear therein. But as the Act requires that the names of all persons granted superannuations shall be laid before the House, it was necessary to include the name and pension in the Estimates for 1875-6; and as Major Adams died a few days after being placed on the Pension List, the amount is included in the £8,808 8s. 6d. deducted from the Vote for allowances which have ceased since the date of the last Estimate. It is, in fact, a mere record of the Grant.

FREEMASONS (IRELAND).—QUESTION.

LORD ROBERT MONTAGU asked the Chief Secretary for Ireland, When the Return, "Freemasons (Ireland)," granted by the House on March 12th, will be in the hands of Members?

SIR MICHAEL HICKS-BEACH, in reply, said, that owing to the form in which the Return had been ordered, it had been sent in by the Clerk of the Peace made up only to the year 1866, and it was thought necessary to refer again to that officer, in order that the whole Return should be supplied. He must say there had been some unnecessary delay, but it was not due to the Irish Government: he, however, hoped the Return would be ready before the debate on the Peace Preservation Bill came on next Thursday week.

COMMITTEE ON FOREIGN LOANS—SIR
HENRY JAMES—THE PARAGUAYAN
LOAN.—OBSERVATIONS.

LORD CLAUD HAMILTON: Sir, I have received a telegram from the hon. Baronet the Member for East Devonshire (Sir Lawrence Palk) stating that he is unable to be present in the House this evening to put a Question to the hon. and learned Member for Taunton (Sir Henry James), which stands on the Paper in his (Sir Lawrence Palk's) name. But I understand that the form of the Question, as originally given, was by your direction, Sir, materially altered; and therefore I think it better on behalf of my hon. Friend, as he cannot be aware of the alteration made in it, that the Question should be deferred until Monday next.

MR. SPEAKER: It is right that I should state to the House why the terms of this Question have been altered on my authority. The Question, as originally presented, embraced the account of a solicitor for certain charges in his client's bill of costs, and all those charges so embraced in the solicitor's account which referred to the hon. and learned Member for Taunton have been allowed to stand; but such portions of the account as were the solicitor's own charges, and of which the hon. and learned Member could have no personal knowledge, have, by my authority, been struck out.

SIR HENRY JAMES: Mr. Speaker, I have to express my regret, under the circumstances, to which I am sure the House will allow me to advert—that the Question of the hon. Baronet the Member for East Devonshire was communicated to the public Press before it could have appeared on the Notice Paper of this House—I have also to appeal to that fairness which I am sure the noble Lord the Member for King's Lynn would be the first to display, and to ask him whether he has not the authority of the hon. Baronet to put the Question to me in the shape in which it now stands on the Paper?

LORD CLAUD HAMILTON: Sir, the terms of my hon. Friend's telegram were "Put the Question to-night, or postpone it." He was not, I believe, aware, when he sent the telegram, that it had been altered; but after what has fallen from the hon. and learned Member for Taunton, I think I could not do

otherwise than put it. I therefore ask the hon. and learned Member, Whether he was professionally engaged as counsel for the plaintiffs in a case relating to the Paraguay Loan in the Court of Exchequer, entitled "Cracroft and Ohlsen v. Waring Brothers;" and, whether, if so, his client's bill of costs, which has been paid, dated 5th of May 1874, contained the following items:—Attending Sir Henry James with brief, 13s. 4d.; paid his fee and clerks thereon, £132 6s.; attending him to appoint consultation, with fee, £2 16s. 2d.?

SIR HENRY JAMES: Sir, I have to thank the noble Lord for kindly acceding to my request. I am quite sure that the absence of the hon. Baronet the Member for East Devonshire is attributable only to unavoidable circumstances. At the same time, I must repeat my expression of regret that the hon. Member should have thought it necessary, after the answer I gave last night, to have communicated this Question in the form in which it appeared in the public Press before he put it on the Notice Paper. I now beg permission of the House, first, to answer the Question as it stands. I believe that on the 15th of February, 1874, when I had the honour of occupying the position of one of the Law Officers of the Crown, I did receive a brief in a cause in respect of the right of certain persons to recover a sum of money for work and labour done in relation to a Paraguayan Loan. I am sorry I cannot afford fuller information on the subject; first, because the circumstances have somewhat passed from my memory, and, also, because the cause was never tried. The matter was made a subject of private arrangement before the time for trial. In relation to the second part of the Question, I think the House will at once see that I am not likely to be cognizant of the contents of any bill of the attorney who instructed me; but it appears to me exceedingly likely that some such items did appear in the attorney's bill. I have now answered the Question in the terms in which it is put, and I hope, under the circumstances, that the House will allow me to add a few words on the way in which it was framed. From the way in which it has been put—from its repetition and publication—I hope the House will grant me at least that personal indulgence. I am anxious now only to say that in determining to

bring the Motion in relation to Foreign Loans before the House I had no communication of any kind or description, direct or indirect, by way of request or influence, with any person whatever connected with that suit. In fact, I gave Notice of that Motion, on my determination to make it, without being influenced by any person whatever. I brought forward that Motion only in the hope—I may be wrong—but in the hope that I might call attention to what I felt to be a great and growing evil affecting the public; and I think I am entitled to ask from the hon. Baronet the Member for East Devonshire, that if he intends to suggest in this Question that in bringing forward this Motion I have been influenced by any other consideration than that which I deemed due to the public, he will afford me an opportunity of giving a refutation to any facts that are in his knowledge, and not content himself with insinuating that which he does not openly declare.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE NATIONAL GALLERY.

OBSERVATIONS.

MR. BERESFORD HOPE, in rising to call attention to the scheme for the enlargement and improvement of the National Gallery as provided for by Act of Parliament in the year 1866, and to the present condition of the works which have, in consequence, been undertaken, said: There was a time when questions like the one which I am to-night about to bring under the notice of the House were very popular here, and produced animated conversations, and I trust that the present Parliament will take an interest in them not inferior to that of its predecessors. The National Gallery especially has been discussed time out of mind, although, I am sorry to say, it has too often been fought over in the interests of some Party triumph. I can assure the House that it will be in no such spirit that I shall to-night enter on the first artistic debate of the existing Parliament. On the contrary, I shall

treat the question of the National Gallery as one which has already become matter of history. England, unlike any other country, I believe, in civilized Europe, possessed no National Gallery, properly speaking, till about 50 years ago, when the Angerstein Collection was purchased. Shortly after, the building which is now the National Gallery was erected in Trafalgar Square, and at that time it seemed to be so much in excess of the needs of the case that its eastern wing was handed over for the use of the Royal Academy, which continued to occupy it till a few years ago. In time, the National Gallery outgrew its small lodgings in the western part of that building, and it then became a pressing question whether the actual edifice should be enlarged, or a new one constructed. In 1864, during the Government of the late Lord Palmerston, and when my right hon. Friend the Member for South Hampshire (Mr. Cowper-Temple) filled the office of First Commissioner of Works, a plan was prepared for the construction of a new National Gallery on the area of Burlington House and Gardens, now occupied partly by the Royal Academy and partly by the University of London, and it was generally understood that if that plan had been carried out the whole of the building in Trafalgar Square would have been surrendered to the Royal Academy. The frustration of that arrangement will, I now believe, be ultimately advantageous to the cause of Art, always supposing that the actual project is realized without mutilation; but, at the period, I much regretted it, for it would certainly have saved a great loss of time and considerable expense. I do not ask why it did not approve itself to the Parliament of that day. The House of Commons rejected it, and the Government was obliged to withdraw the proposal, and it was generally understood that the National Gallery should stop in Trafalgar Square. This brings me to the present state of the question. In 1866, the right hon. Gentleman the Member for South Hampshire, being still First Commissioner of Works, brought in a Bill for the purchase of the land which was considered necessary for the "enlargement and improvement of the National Gallery;" and on the 6th of August, 1866, a change of Government having taken place, and the Conservatives being

in office, that Bill received the Royal Assent. I wish particularly to call attention to the words "enlargement and improvement of the National Gallery" as defining the object of that measure; for they are the very Magna Charta of my present claim. Parliament then deliberately declared that the National Gallery required to be enlarged and improved, by passing an Act for the purpose. Parliament also found the money for the acquisition of the land indicated in that Act, which has become the property of the nation, at an outlay of about £140,000. My plea, then, is that the country should have its money's worth, and that upon this £140,000 of purchased land shall be constructed a National Gallery alike worthy of the object, worthy of the Empire, and worthy of this great capital. Simultaneously with settling the site, steps had been taken to invite plans and prepare a scheme of limited competition, on the part of the right hon. Gentleman the Member for South Hampshire, who invited selected architects to contend. In the meantime, my right hon. Friend had quitted office, and was succeeded by my noble Friend the present Postmaster General (Lord John Manners). The terms of competition had been arranged by the noble Lord's Predecessor; but the choice of judges was his own work. They were Lord Hardinge; my noble Friend the Member for Haddingtonshire (Lord Elcho); Sir William Boxall, at the time Director of the National Gallery, and himself an eminent artist; that distinguished architect, the late Sir William Tite; Mr. Redgrave, the Royal Academician; Mr. William Russell, a trustee of the National Gallery; Mr. Gambier Parry, one of our first amateur artists; Mr. David Brandon, an architect of great repute; and myself. We met, and came to a decision which, at the time, created some discontent, though it was an unreasonable discontent, for it was expected that the judges would have recommended that some particular design should be carried out. It is true that we did not absolutely recommend that any particular design should be carried out; but we did what was practically as good, and, indeed, as I should personally contend, much better: for we indicated the man whom we thought most competent to do the work, thus practically se-

curing the reward for the worthiest, whilst we untied the hands who were interested in the result, to modify the plan according to circumstances, and we did not fetter employers and employed to crude first thoughts. The competition was a double one, for it invited each competitor to furnish two plans—one for an alteration of the present National Gallery, and the other for the construction of a new National Gallery. For altering the present National Gallery, Mr. Murray, a most meritorious architect, was recommended as having produced a plan which displayed the greatest architectural merit in carrying out that particular object. But for the construction of a new National Gallery—that which the judges themselves, and the public whom they served, felt to be the only right, complete, and satisfactory thing to do—the name of Mr. Barry was mentioned as the architect whose design carried with it "the greatest amount of architectural merit." At the same time, we recommended neither Mr. Murray's nor Mr. Barry's design as it stood for execution. It was very clear that in making that award we indicated our opinion that the Government would act most wisely and consistently in giving Mr. Barry the employment, while we did not wish to fetter either the Government or Mr. Barry by pressing the execution of a plan which, full as it was of merit, seemed capable of improvement. The judges accompanied their award with certain recommendations as to matters of convenience, beauty, comfort, and other points which occurred to them as being necessary to be taken into consideration by those who were to be in charge of the construction of the new National Gallery. The Report of the judges was dated the 28th of February, 1866, and was transmitted to my noble Friend the present Postmaster General. On the 5th of August, in the same year, the Trustees of the National Gallery, having been invited to give their opinion on the subject, drew up a most valuable Report, containing recommendations emanating from their own private experience, bearing upon the building of a new National Gallery. On the 16th of June, 1868, the noble Lord had before him the judges' recommendation of Mr. Barry as the man who had produced the best design, as well as the various Papers and suggestions

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which related either to the general question or to Mr. Barry's plan, which plan, though not satisfactory as a final design, was a most valuable first sketch. Having all these documents before him on that day, my noble Friend appointed Mr. Barry architect of the new National Gallery. The decision gave great comfort to all who had the artistic credit of the country at heart; for, at last, it was hoped and believed that in a few years the new National Gallery would be something that would have a substantial and material existence. On the 24th of October following, Mr. Barry was invited by the Department of Works to prepare his plans, with elevations and sections. Meanwhile, consequent upon a change of Government, my noble Friend had to leave the office which he had so ably and conspicuously filled, and was succeeded, for a short time, by Mr. Layard—an administrator whose erudite zeal for everything connected with Art deserved more credit than, I am sorry to say, he has received. Mr. Layard, as First Commissioner, threw himself into his work right heartily; but a small political revolution taking place inside the Administration, he was, in his turn, succeeded by another First Commissioner of Works—a man of conspicuous practical capacities, but whose enthusiasm for Art never hurried him into æsthetic excesses: I mean, of course, Mr. Ayrton. On the 6th of November, 1869, Mr. Barry sent in his designs. He had been appointed by the noble Lord now Postmaster General, architect of the National Gallery; Mr. Layard had regarded him as such; and the next communication which he expected was, that he should be ordered to carry out the plan for the National Gallery; but, instead of that, he was requested to send in his bill. Mr. Barry could not understand that. To be called upon to send in his bill, looked as if his engagement were to be terminated. That, however, is an episode in the history to which I will not further refer, for whatever may have been meant by this eccentric procedure it practically led to nothing. The matter was then hung up for a time; but on the 29th of September, 1870, Mr. Ayrton, the First Commissioner of Works, did authorize Mr. Barry to prepare the working designs for a certain fragment of the National Gallery—the portion of it which is now

so near completion. Whether, by giving that limited order, the Department of Works intended to cancel Mr. Barry's larger commission as architect of the whole building, is a matter upon which I do not enter; though I believe that I may take upon myself to say that no document can be produced which cancels it, and the work which he was then ordered to do is, in fact, quite consistent with the larger engagement of which it forms a portion, and which was always intended to be carried out as the first part of the undertaking. Mr. Barry did carry out his order accordingly, and sent in his plans, which were accepted and set in hand. The work is now nearly completed, and the Gallery almost ready to receive pictures.

Thus the matter now stands. I have mentioned the name of the architect several times; but I wish the House clearly to understand that I am not speaking as counsel for Mr. Barry, or for any other man. I am simply standing up as the advocate of the National Gallery, and for the completion, in a satisfactory manner, of a great and important undertaking. I must incidentally observe that the man who has done that first part of the work, and done it with great ability and devotion to the public service, would be naturally the man to whom we should look to complete it. Still it is not of the man, of his fame, or of his profits, but of the Gallery itself that I am now speaking. The upshot of the recommendations made by the Trustees of the National Gallery, in their Report of the 5th of August, 1867, was that 4,200 linear feet of wall were wanted for a satisfactory National Gallery. In all these recommendations linear measurement only was taken as the basis of calculation, and the question of height hardly entertained. It would be simply to murder pictures to hang them too high or too low, and the height of the room had afterwards to be settled on practical and architectural considerations. A room should be high enough for the sake of appearance and ventilation, as well as for the comfort of the visitors; but for the proper distribution of the site the linear measurement was the main consideration. In 1867 the Trustees of the National Gallery requisitionized for the Old Masters, to begin with, 2,400 linear

feet; 3,000 feet being, in their opinion, the maximum area that they would ever want for that branch of the collection. The Raphael Cartoons, which were at South Kensington, but which I am sure the House will agree with me ought to be in the heart of London, and in the National Gallery, required 200 linear feet; a contemplated Loan Collection 300 feet; modern pictures 900 feet; a special gallery for the Turner bequest 400 feet: the sum total being 4,200 feet, besides an unknown quantity for modern foreign pictures. There was also an independent claim set up for a wing of the gallery to be set apart for the National Portrait Gallery; but, as I believe and hope, that collection will be adequately lodged in some of the numerous galleries of the defunct International Exhibition at South Kensington, I venture to drop that item out of the calculation. Well, as I said, the Trustees proposed 4,200 linear feet, and Mr. Barry's complete plan would have given 4,315—not much more than the Trustees themselves had named. It is but just a little over; and therefore, if he has erred at all, he has done so on the right side. The fragment of the National Gallery now being completed gives a length of 1,078 linear feet, and the old building sections for 2,072 feet; together 3,150 feet, or within 1,000 feet of the entire space wanted. This is the case for doing nothing; but against it we must remember that only 1,000 feet of that space is included in the new gallery, and is therefore possessed of the height, width, dimensions, ventilation, and top-lighting necessary in order that the English National Gallery should compete with the national galleries even of second-class European States—that, for example, of so small a power as Saxony, the capital of which has so long been famous all over the world as an Art centre. I have had the pleasure of visiting the new Galleries, and I cannot express how much I admire the spacious, dignified, and airy appearance of the rooms, with a width varying from 30 to 40 feet, with sufficient height but not too much, and with an area of skylight about half the whole superficies of the floors, conforming in their aspects to the recommendations of the judges and of the Trustees. Then, when I left them and entered the old Galleries—no doubt well-intended apartments, but as unlike

the new ones as the first steamer that started from London was like the Ulster and Munster boats now plying between Holyhead and Kingstown—their dark, gloomy, and cavernous aspect was a most striking contrast.

The state of the case, to go a little more into detail, is, that the area which has been purchased at an outlay of £140,000 is divided, roughly speaking, into four sections. One of these is the existing National Gallery; the second the space already built over; and the third the portion of the acquired ground lying behind the new building to the northward. These two last pieces together represent the £140,000, and include among other things, in the part which has still to be built over, the old work-house of St. Martin-in-the-Fields, in that narrow lane, which we all know so well when we are running to catch a train at Charing Cross Station, called Hemming's Row. The fourth section, to the north-west, is St. George's Barracks. No doubt it would be a serious thing to remove barracks or other large public buildings; but I believe that I am justified in stating that high military authorities are not so enamoured with the site of those barracks as much to object to their removal to another site rather nearer the river, so that the appropriation of the present ground filled up by the barracks for the National Gallery would be no dis-service to our military establishments. But whether or not the barracks are desirable for the National Gallery, they are not absolutely essential to the scheme of rebuilding. The remaining portion is, as I have said, an area which might be plainly and roughly divided into four parts; the part which had been built over, and then the part which is still to be built over—these are known as sections one and two—then comes the third section, the present National Gallery; and the fourth is these barracks. One of the lots, we see, is already built over; the next is ready to be built over, and the present National Gallery must go, unless the whole thing is to remain an abortion. Now what shall we get by carrying out the scheme? We shall have possession of a National Gallery worthy of the country; a building well isolated and fireproof, and therefore suited to the safe custody of the Art treasures which will be contained in it.

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If we take, moreover, the area of the barracks, we shall be able to carry out a great metropolitan improvement, by making a wide street running from south to north at the west end of the National Gallery, commencing opposite the College of Physicians, and reaching up to Leicester Square, where it would meet the new street which the Metropolitan Board of Works are going to carry out there, running to Oxford Street. So the reconstruction of the National Gallery would connect itself with, and lead to a much wanted metropolitan improvement—a main north and south artery running a little to the eastward of Regent Street. This would indeed be a vast gain to the convenience and the appearance of London, and I feel confident that the House will agree with me in the desirability, if possible, of effecting it. I have nothing to say as to the National Portrait Gallery, for the reason which I have already given. I have also, I trust, offered sufficient arguments for the necessity of rebuilding the existing Gallery instead of leaving the poor and inferior range of rooms and the depressed façade which Wilkins was compelled to construct, standing as an eyesore to Trafalgar Square, and a foil to the noble galleries behind.

These, then, are the general facts upon which I base my case. I have described what is required. I have mentioned the length of time during which the undertaking has been hung up. I have reminded the House of the plans for a new National Gallery to be erected on another site, which were prepared by eminent architects in 1864; of the Act of Parliament which secured the present site in 1866; of the limited competition which settled who should be the architect in 1867; of the architect's own plans, now five or six years old; and I ask what have we gained by this procrastination and this economy? What is the advantage of it to London or to the Empire? I have pointed to Hemming's Row, and I hope that any hon. Member who feels an interest in the question will go to Hemming's Row, and look at those miserable ruins which were once St. Martin's Workhouse, and which, if the great scheme were carried out, would be pulled down, when the line of buildings would be thrown back, and a fine broad street constructed where there is now a narrow and squalid lane.

On the more general question of the congruity of such a Gallery, I find it difficult to speak, for the matter is so plain and obvious that it is a truism much more than a truth, and if I were to dwell upon it, I fear that I should find myself drifting into a lecture more adapted to a Mechanics' Institution than to the debates of this House. The thing is obvious; but is it not something to be ashamed of, if the results of such a truism were to be neglected Session after Session and Recess after Recess? I am not blaming any Party in the House, and above all, the present Government, who have been in office only for a year, and has had many other things to think of. To its Members, when in office before, and practically making up the same Government, were owing some of the most substantial steps that have been taken for the commencement of this good work, and I look now to them to carry it through. I put it as a question concerning the national honour, as a claim of necessity, and as an essential element of educational development, and at the same time a thing that will be eminently popular. Has not every addition to the contents of the National Gallery been warmly greeted by the intelligent public? When the right hon. Member for Tamworth surrendered to the nation on such generous terms the magnificent collection of Dutch and Flemish pictures which had been collected by his great father, Sir Robert Peel; when the hon. Baronet the Member for Lisburn (Sir Richard Wallace) presented the masterpiece of Terburg; when two or three years ago the grand unfinished Michael Angelo was acquired; and when these 14 pictures, including the painting by Pietro della Francesca, were bought at Mr. Barker's sale; how great was the enthusiasm awakened by these several acquisitions to our national collection! If in addition to all this the Government will promise to give the country a national building worthy of the name, they will not only do a wise, a far-sighted, and a generous thing, but, I repeat, they will be taking a most popular step, and win for themselves the gratitude of all those sections of the public, whose good will is worth obtaining. Of course, it is a matter of money, and I know that the grim guardians of the national till are sitting at this moment

on the Treasury bench. Still there are some things for which money must at times be found, and the National Gallery is one of these. I am not to be met with the excuse, then, that the National Gallery cannot be built, because there are other important structures to be raised. I know that there are Law Courts rising at the eastern end of the Strand, and that a Natural History Museum is being reared at South Kensington. But I contend that a nation like ours, with resources and a history such as ours, and with a Capital of four millions of inhabitants, ought to be able to build a Palace of Justice, a Natural History Museum and Picture Galleries at one and the same time, if England would be true to its traditional greatness. This, then, is my claim. I have abstained from putting down any Notice of Motion, because I might have been met by arguments derived from immediate and temporary expediency, which would have told against me on the division list, and left it no sure test of the real feeling of the House. I prefer to carry with me the sympathies of the House, which I am satisfied that I have won, rather than encounter the unfair and incomplete ordeal of a division taken on a false issue. I hope and believe, however, that the Government will do the best they can in the matter, and I earnestly invite them to carry out with all convenient expedition this most excellent and popular work.

LORD HENRY LENNOX said, he most heartily thanked his hon. Friend for the public spirit which was manifested in the remarks he had addressed to the House. He had been right in adopting that course; because, in order to obtain the sympathy of both sides on matters of this kind, it was desirable not to introduce any question of a Party character, but to argue the subject on its intrinsic merits. His hon. Friend had also very properly disclaimed appearing that evening as champion for the eminent architect Mr. Barry. He (Lord Henry Lennox) sympathized very much with Mr. Barry on account of that which he called the disappointment of his life; but he could not regard him as having been ill-treated, for no one who held the office he had the honour of holding, and, least of all, his noble Friend the Postmaster General, could for a moment have intended so to deal with so distinguished a man. Only the

other day he told Mr. Barry that he looked upon it as a fact that every great architect and most artists met, each of them, with a grievance in the course of his career. That appeared to be incidental to such a career, and it was equally true of public men. How few public men were there who came into that House and won their way to office who had not grievances and disappointments, and did not think that they ought to occupy higher positions than those in which they were placed? Mr. Barry had a grievance. He had not been ill-treated, but had met with a disappointment from ill luck. He was one of the architects who had competed for the greatest work undertaken in this country since the present Houses of Parliament were built. The Commissioners to whom reference had been made reported very much in favour of Mr. Barry, and they also recommended another distinguished architect, Mr. Street. Now, if ever there was a building in the plan of which the question of internal accommodation should have been considered pre-eminent, it was that building which was to be adapted for carrying out the vast machinery of the law. That being so, the Commissioners were of opinion that the *façade* of the great building in question should be entrusted to Mr. Street, and the internal arrangements to Mr. Barry. For his part, he quite concurred with his noble Friend the Postmaster General that such an arrangement would not be likely to work satisfactorily, and in the result the Law Courts were placed in the hands of Mr. Street, and to Mr. Barry was entrusted the re-construction of the National Gallery. The Commission presided over by Lord Hardinge strongly recommended the proposed plan of Mr. Barry for carrying out that object; but, at the same time, did not think it advisable that the re-construction should be proceeded with at once. It was, however, found that the Collection of Pictures was overcrowded; an addition to the Gallery was required, and Mr. Barry was called upon to make it, the question as to elevation being allowed to remain over for the present. Mr. Barry undertook the duty confided to him, and he (Lord Henry Lennox) cordially reciprocated everything his hon. Friend had said as to the magnificent success which had attended his work. He hoped that

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the new Galleries would soon be open to the public, for when they were he was certain there would be but one opinion as to their merits, or as to the immense stride we had made in adding to our National Gallery, regarding which he thought his hon. Friend had spoken in somewhat disparaging terms. His hon. Friend pointed to several great works which he thought ought to be at once proceeded with; but he (Lord Henry Lennox) must remind the House that the interests of Art had not of late been neglected, and that it was not Art alone that was pulling at the national purse strings. The National Gallery had been extended; the Law Courts were being proceeded with; a Natural History Museum, which would cost £500,000, had been sanctioned; a considerable sum, approaching to nearly £200,000, had been expended on the South Kensington Museum; and Museums had been established in Edinburgh and Bethnal Green. It would not, therefore, be just to say that successive Governments had not shown a desire to promote the interests of Art. The present National Gallery was most admirably situated, and when things were at their worst they began to mend. His hon. Friend, therefore, he thought, would agree with him (Lord Henry Lennox) that it was well the *façade* of the National Gallery had not been patched up and made something less abominable than it was, for nothing could be much worse. He trusted an improvement in due time would be manifested. His hon. Friend had alluded to the purchase of pictures made last year; but that, he thought, was as nothing compared with the eloquent speech in which the Prime Minister proposed that Vote for the acceptance of the House. No one could have heard the speech of his right hon. Friend on that occasion without feeling that the cause and interests of Art would not only not be neglected, but would, on the contrary, be supported and encouraged.

MR. COWPER-TEMPLE said, that although disappointment had been occasioned to a distinguished artist in the manner referred to by his noble Friend, yet, on the whole, the best course had, he thought, been adopted. His noble Friend had intimated that the Commissioners recommended that two architects should be employed—one in respect

of the exterior, the other the interior of the new Law Courts. That, he believed, was not the intention of the judges, although such an impression might be conveyed by the language they used. They contemplated that in a work of such magnitude, the architect might avail himself of the aid of a partner of eminence in carrying it out. He did not doubt, however, that his noble Friend the Postmaster General had good grounds for confiding all the work and its responsibility to one architect. With respect to the National Gallery, he hoped his noble Friend the Chief Commissioner of Works would not imitate the long delay which had occurred, and he had no doubt in that case, the time would soon come when the original design as to the National Gallery would be carried out, when the *façade* facing Trafalgar Square would be removed, and when a Gallery would be founded worthy of the nation, and of the great treasures which it possessed. A large portion of these pictures were gifts, and the least thing the nation could do was to provide a proper receptacle. He hoped that they would soon see the Cartoons of Raphael placed in the Central Hall—which was part of the design of Mr. Barry—where they might be seen to much greater advantage than either at Hampton Court or at South Kensington.

MR. KINNAIRD said, he cordially thanked the hon. Gentleman opposite (Mr. Beresford Hope) for bringing the subject forward; because in all metropolitan improvements, they were behind other countries. He thought they could not have a better time than the present for carrying out the scheme shadowed forth, as every year's delay would enhance the difficulty of procuring a site. He believed that in even the past year, house property had risen in value nearly double. ["No, no!"] In Carlton House Terrace, a house which a few years ago was bought for £12,000, had been lately sold for £40,000. Was not that a great increase? He ventured to declare his conviction that they might have carried out the improvement and widened Parliament Street a few years ago at about one-half the cost which they would now have to incur.

MR. GOLDSMID said, he must deny that the value of house property had increased during the last 12 months to the extent stated by the hon. Member. From

personal experience he could say, although it probably was only temporary, that, contrary to the statement of the hon. Member, there was rather a tendency to a decline in the value of house property, even in the most fashionable parts of London, during that period; and it was too absurd to compare property in Carlton House Terrace with miserable property at the back of St. Martin's Church. The decline, in his opinion, resulted from the general depression of trade throughout the country. Of course, he was aware that over a period of 10 years there was a considerable increase in the value of fashionable houses; but of them really it was not now the question. But with regard to the question more immediately under discussion, he (Mr. Goldsmid) would say that he could quite understand the feeling of Mr. Barry, who naturally wished to be the architect of a grand National Gallery; but he thought the course the Government had adopted was a wise course—adding galleries as they were wanted, and not anticipating wants by spending between £300,000 and £350,000 more than was at present required for the accommodation of the national pictures. When the time arrived that more accommodation for the display of the pictures in the National Gallery was called for, then would be the proper occasion to incur increased expenditure and carry the remainder of Mr. Barry's plan into execution. He would urge the noble Lord to use a little more expedition in carrying out the Government works not only connected with the National Gallery, but in other parts of the metropolis. Anyone who saw the slow pace at which the Law Courts were being built would feel the justice of this remark.

MR. LOCKE thought the building called the National Gallery was one of the worst used of any public buildings. Before the alterations were made, there was a handsome entrance, and staircases on each side, one for the galleries of ancient pictures and the other for the Royal Academy; but for some reason that entrance had been almost blocked up. Had it not been for the interference of Mr. Hume, who succeeded in reducing the height of the building, and thus saved money, there would have been no reason to complain of the structure. The building would have

been 12 or 14 feet higher had not Mr. Hume interfered. No doubt, there would be a necessity for an extension of the buildings; but he thought there were plenty of localities in the metropolis where house property was not of any great value. The more they went to the Northern and North-eastern parts of the metropolis, the cheaper they found the houses. The British Museum stood there; and if the land were cheap they might go in that direction, when they wished to erect public buildings. He thought the Government were acting wisely in not making any alteration at present. He was not aware that the National Gallery as it now stood was entirely filled with pictures, and he thought that when it was filled, there would be time enough to consider the question of further accommodation. With regard to the City of London, great and important alterations had in late years been carried out there, and the new, wide, and fine streets recently constructed within the City must be regarded as great improvements. The Corporation of London many years ago had maps drawn showing the improvements required by widening streets, which they had done by degrees when houses were destroyed by fire or become dilapidated. Newgate Street was an example. The Metropolitan Board of Works had not adopted this course some years ago, when he (Mr. Locke), in a Select Committee brought the plan of the City to their consideration. The Metropolitan Board should give their attention to what was required in the first instance throughout the metropolis in improvements, and have a map to show how these could be carried out from time to time.

INDIA—BANK OF BOMBAY.

RESOLUTION.

MR. GREGORY, in rising to call the attention of the House to the Report of the Commissioners appointed to inquire into the failure of the Bank of Bombay, and the position of the Shareholders in such Bank with reference to the government of that Presidency; and to move, "That, in the opinion of this House, the case of such Shareholders is one for the favourable consideration of Her Majesty's Government," said, the subject related to the ruin of a well-established

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concern, and to the loss of a capital of £2,000,000, which had been subscribed by innocent shareholders; and the question at issue was, to what extent the Government were responsible for that disastrous result. The Bank of Bombay was established in 1840, on principles similar to those of the banks in the other Presidencies which were established at the same date. Those banks were, to a certain extent, Government institutions, the East India Company, who at that time ruled the country, taking shares in them, and in the case of the Bank of Bombay appointing three of the nine directors by which the concern was managed. Under that system, from 1840 until 1860 the Bank in question, with a capital limited to £520,000, carried on a safe, honest, and profitable business which enabled it to pay the not extravagant dividend of 7½ per cent to its shareholders. In 1860 the Government, however, thought proper to make a change in the business of the Bombay Bank. They withdrew the powers of issue from it, but, in exchange, agreed to make the Bank the administrator of the Treasury balances. That proceeding involved the passing of a new Act, and accordingly the Directors contemplated obtaining an Act on the same footing as that of the Bank of Bengal, and it would have been fortunate for the shareholders if the resolution of the Directors had been carried out. Such, however, was not the case, although about this time the Secretary of State for India expressly pointed out in a despatch that the business of the Bank should be restricted to legitimate banking operations, such as those of the Bank of England or the Bank of Bengal. A Bill was drawn and submitted to the Advocate General of the day, who took some exceptions, and referred it back to the Directors for revision. The result of the matter was, that an important provision which had been originally contemplated was struck out of the Bill—namely, a provision confining the security accepted by the Bank to the guaranteed companies in India; and another provision was inserted, allowing the Bank to invest in the securities of any public company in India, whether guaranteed or not. In that state the Bill was forwarded to the Government of India, and unfortunately they expressed an opinion that it should be passed by

the Council of Bombay instead of by the Council of the Governor General. If the Bill had been considered by the Government of Bengal, it would have been considered in the presence of the Finance and Legal Members of the Council, and during its discussion they could have had the advantage of having before them the Act of the Bank of Bengal. Under these circumstances, the Bill was referred to the Legislative Council of Bombay, which was composed of six Members who were officials of the Government, three who were partners in mercantile houses, and three who were Native gentlemen, and it should be borne in mind that the deliberations of the Council were close, no report was given, and their power was essentially an arbitrary one. The Bill was afterwards submitted to the Governor General, and after having passed through the Legislative Council of Bombay it was found to differ very materially from the Act of the Bank of Bengal, and also from the original Act of 1840. Under the new Act the capital was increased to £2,000,000; and instead of, as in the old Act, limiting advances to a sum not exceeding three lacs of rupees to any one individual, repayment of which was to be made in three months, it allowed the discount of any negotiable security, it gave liberty to make advances on the shares of any companies whatever, and it removed the restrictions against the amount which was to be advanced to any one individual on any uncertain security; but it did contain certain provisions which if exercised might have prevented the mischief which subsequently ensued, because it gave power to the Indian Government from time to time to investigate the accounts of the Bank, and to call for reports and balance-sheets. The Bank was launched in September, 1863, under its new constitution, its president being Mr. Birch, a Government Director, who, during his administration of its affairs, lost for the Bank £1,000,000 or £1,500,000, while he received some £37,000 as a premium on shares or securities that had been handed over to him. Then there appeared upon the scene a Native of Bombay, a small cotton broker, a man who, although comparatively unknown, was at once subtle, designing, ostentatious, and speculative—a man of considerable capacity and of great resources in him-

self. This man lived in the most ostentatious manner, and squandered other people's money when he got hold of it. Of him it might be said *alieni appetens sui profusus*. In process of time this man acquired very great influence over the Secretary of the Bank and others; he, in fact, seemed to draw out what he liked; and he also recommended customers. He obtained for himself loans to the amount of £420,000, and for other people to the extent of £669,000, on which there was ultimately a loss to the Bank of £434,447. During this time no inspection appeared to have been exercised on the part of the Government, there were no balance-sheets, and no bye-laws were passed. Any person reading the Act under which the powers he had referred to were conferred on the Government would see that it was the duty of the Government to have enforced the provisions of the Act, and, at all events, to have insisted that proper bye-laws should be made for the purpose of controlling the action of the Directors. By doing so, they would have prevented much of the mischief that ultimately ensued. But that was not all. The Directors were not satisfied with what they had already done with regard to the ruin of the central establishment; they established branches, and one in contravention of the Act in Bombay itself. The Act provided that no branch should be established in Bombay; but the Directors got the sanction of the Government for that purpose, and thus incurred a further loss of something like £190,000. In April, 1865, the Directors further came to this extraordinary resolution—that they would advance not only on the nominal value of shares of public companies but also up to 75 per cent of the fictitious value to which they had been run up. This caused a loss of £134,000. Although these things were unnoticed by the Government of Bombay, yet rumours of what was going on reached the Home Government, and Sir Charles Wood (now Lord Halifax) became frightened at what he had heard of the transactions, and, accordingly, in March, 1865, he wrote to Sir Bartle Frere, to the effect that he could not help being alarmed at the prospect of a crash, and bidding Sir Bartle Frere to look after the Bank. It did appear extraordinary that the Government of Bombay should have waited for such a requi-

sition. An inquiry was then directed to be made by the Governor of Bombay, and a Report was drawn up by the Government Directors, but that inquiry was not only inefficient, but was misleading, because they reported that though it was true that large advances had been made upon shares of all sorts, yet these shares had been deposited only as "collateral security." What was meant was, that notes of hand had been given for the advances in addition to the deposit of shares; but, in truth, the shares were the only real instead of being a merely collateral security. Such a Report, when made by Government Directors, put in motion by the Government itself, was certainly calculated to mislead. The Bank went on until January, 1866, when the Governor of Bombay required another examination of the affairs of the Bank. Accordingly the matter was referred to Messrs. Chapman and Norman, and their Report stated that £320,000 had been advanced on loan at the head office, of which £79,000 had been realized; £176,000 remained overdue, and £116,000 was not accounted for; but it concluded with this extraordinary recommendation—that what they called the policy of forbearance should be pursued. There was a run on the Bank in 1865, and Sir Bartle Frere, being informed of what was going on, telegraphed to the Government of India that the Bank must stop payment, unless he was authorized to support it with a loan of something like £1,500,000, and he put the necessity of making the advance upon the ground of political and financial considerations. The recommendation was carried out; and it was by treating it as a political and financial engine that the interests of the shareholders had been sacrificed by the Government. For instance, in April, 1866, a certain gentleman, whose difficulties had become notorious, and who was a debtor to the Bank to the extent of £220,000, made an application for a loan of £50,000. No doubt, from the magnitude of his transactions, it would have been a serious thing if he had stopped payment. A meeting was called for the purpose of seeing whether the Bank could assist him, and the Chairman seemed to have considered it necessary to apprise the Governor of the Presidency of the application, and the Go-

vernor sanctioned the transaction upon the very extraordinary ground that it was going on, and that therefore he could not stop it. He now came to another part of the case on which some light was thrown by a Return which had been laid on the Table. When he last brought forward this case, he stated that the Government in 1864 and 1865 had thrown on the market a quantity of land which they no longer required, and which they were anxious to dispose of. There was a strong impression that that land had been bought by parties who had obtained advances from the Bank, and at a very exorbitant price. He was now in a situation to prove this; the Return moved for was "of all lands sold by the Government of Bombay in 1864, stating the price realized by the sales respectively, the valuations previously made, and any advances made by the Bank of Bombay for the purchase." A Return had accordingly been made of all land sold by the Government of Bombay, the price realized, and the valuations made; from which it appeared that the valuation price was £145,650, and the sum realized £400,000; but it did not go on to state the advances made by the Bank of Bombay for the purchase. But by reference to the Report of Sir Charles Jackson upon the matter, he could supplement that Return, and he hoped the Government would make further inquiries into the matter. He believed he was fully justified in the inference he drew that the sums for the purchase of these lands were advanced by the Bank of Bombay. The profit which the Government had made had been appropriated to the revenues of India, and all he asked was that the amount of that profit should be definitely ascertained, and that a sum equivalent to it should be voted to the relief of the unfortunate shareholders, on whose account he had brought forward the Motion. He had but little knowledge of, or connection with, them; but on his taking up the subject on behalf of one friend, he had since had numerous communications from other shareholders for whom he might excite sympathy if he narrated their cases as they had been detailed to him. The Bank which, as he had said, was established in 1840, was, at that time, considered to be one of the safest, surest, and best managed banks in India; it was one in which trust

funds and charity funds might be deposited; and the shareholders were, many of them, men who had spent their lives in India, and who had deposited their hard-earned savings with the Bank, on the strength that it was in the hands of the Government. They were amongst those who had administered our laws, maintained our power and consolidated our Empire, and, through no fault of their own, they had lost their investments. On these grounds he appealed to the House, in the terms of his Resolution, that their case might receive the favourable consideration of Her Majesty's Government.

MR. EVELYN ASHLEY seconded the Motion. When he was asked to read over the documents, and make himself master of the subject, he saw, as he perused them and gradually gained knowledge of the complicated facts, that though they might be dry in detail and difficult to master, yet they were matters of vital importance to a large number of our fellow-subjects who had spent the best part of their lives in India in the public service of the Crown. Those facts, as there presented, could be paralleled only by the loss of a well-found ship in mid-day, through the carelessness, incapacity, or wilful blindness of those in charge of her. Those in charge of the Bank of Bombay were Government officials in every sense of the word, for they were imposed upon it by the conditions of its charter, and the shareholders had no power to select or remove them. When the matter was discussed in Parliament previously in 1872, it was said the shareholders came to that House, because they could not resort to legal tribunals; but was there no such thing as Parliamentary redress, if there was an equitable claim which could not be enforced in a Court of Law? He contended that a sufficient precedent existed for Parliament dealing with the matter in the way proposed, for there was no more injustice in charging the Revenues of India with compensation to sufferers from the *laches* of the Government of India, than there was in charging the Revenues of this country with the compensation paid in respect of the Alabama Claims. In this case, according to information obtained, justice could be done to the unfortunate shareholders by giving them that margin of profit which the Government had made

by the sales of land and by pandering to the spirit of speculation with the funds of which they were trustees and guardians. For 23 years the Bank was prosperous, and was well-conducted; and the Government of Bombay took the initiative in those changes in its charter which were so disastrous. The Government of Bombay, for its own profit, deprived the Bank of the power of issue; and, in return, gave it a new charter, which was the origin of all the subsequent evil. A careful and guarded charter was changed into a most reckless one, only fit for a bubble company, and it was taken advantage of, for over-speculation followed with the connivance of the Government Directors sitting at the Board. The present Secretary of State for India (the Marquess of Salisbury), when Lord Cranbourne, in 1866, accused the Government of Bombay of surreptitiously changing the charter of the Bank; and although the Government of Bombay, which was both a legislative body and an administrative body, knew perfectly well that the bye-laws affecting the Bank had been struck out of the Schedule, they never re-enacted them in a separate form, and they left the Secretary and Directors free to enter, as they did, on a wild course of speculation. It had been said that you could not attach liability to a body of trustees who only stood aside and did not take part in the business, but he challenged the Under Secretary of State for India to show that these Government Directors were not rather in the position of watchmen who deliberately fell asleep or shut their eyes while the spoilers were at work. It was clear that the President and the Directors of the Bank deliberately connived at all the irregularities that were going on, and when it was said that it was the duty of the shareholders to look after their own interests, he would remind the House that the shareholders were not all at Bombay, but were scattered about the three Presidencies, and that some were in England. Moreover, Sir Charles Wood (now Lord Halifax) when Secretary of State for India, in 1865, in his Budget speech, used language which lulled to sleep any suspicions that the shareholders might have entertained. He declared, that notwithstanding all the disquieting rumours that had been abroad, the Bank of Bombay would go on as usual, and

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that there need be no apprehension in the mind of the public. Was not such a declaration sufficient in itself to lull the shareholders into false security? And that being so, ought they not to obtain a remedy? Yet after this assurance the transactions described that night occurred, which cost the shareholders about £300,000. When matters went wrong, a delay was demanded for political, as well as financial, reasons, and on account of this delay, the shareholders were many thousands of pounds out of pocket. He did not go the length of saying, as some had done, that the Government Directors had deliberately used the money of the shareholders for their own private purposes, but he would say that no one who read the Report of the Commission could fail to see that the Directors had been wilfully guilty of acts which were unworthy of any bank. It ought to be borne in mind that there was not a British subject in India who did not look upon the Bank as one in which the Government was a leading shareholder, and the present claim was set up on the ground that the Government by its own act put the Bank in jeopardy. What the unfortunate shareholders now asked was simply to give some little restitution to those who by the iniquitous neglect of the Government of Bombay had been reduced from comparative affluence to poverty because they rightly believed this Bank to be under Government control.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the case of the Shareholders in the Bank of Bombay is one for the favourable consideration of Her Majesty's Government,"—(*Mr. Gregory.*)

—instead thereof.

MR. FORSYTH thought that the hon. Member who brought forward the Motion had made out a strong *prima facie* case. It was not the case of an ordinary bank that had failed, but a Bank the losses in which were mainly attributable to the negligence of the Government officials appointed by the Government of Bombay. By the Act originally creating the Bank, it was expressly prohibited from entering into dangerous speculations. In 1863 however, an Act was passed which enabled the Bank of Bombay to indulge in any kind of dangerous speculation. The share-

holders trusted in the security of the Bank, seeing that it was in a great measure in the hands of official persons appointed by the Government of Bombay, and all they asked for was that the amount by which the Government of India had profited by the sale of land during the cotton mania in India, and which had been purchased by money borrowed from the Bank, should be refunded to them. It was no answer to the demand made, to state that the money could not be refunded, however just it might be to do so, without taxing the Natives of India. Unhappily it was too true that, "*Quicquid delirant reges, plectuntur Achivi.*" If the Government were responsible, they should not be deterred from acting rightly by the fact that the amount asked for would have to be raised by taxation. The case was altogether an exceptional one, and he trusted it would receive the favourable consideration of Her Majesty's Government.

LORD GEORGE HAMILTON said, that the Resolution proposed by his hon. Friend the Member for East Sussex (Mr. Gregory) was identical with one which had been introduced in the year 1872—namely—

"That, in the opinion of this House, the case of certain shareholders of the Bank of Bombay should receive the favourable consideration of Her Majesty's Government."

It was, of course, obvious that any additional charge which such favourable consideration might involve should be thrown upon the revenues, not of England, but of India. His hon. Friend had given a very fair history of the cause of the Bank's failure; but it was a noticeable fact that the three hon. Gentlemen who had spoken in favour of the Resolution had one and all admitted that the shareholders had no legal claims whatever, and indeed that might have been expected of Gentlemen who were each connected with the legal profession. He thought he might safely lay it down as a rule that when three lawyers in succession advocated a particular case and made no legal claim in support of it, it was because the smallest legal claim could not be made, otherwise they would advocate it elsewhere. In reference to the present case he would go further and say that even a moral claim had not been made out. There were two reasons advanced in favour of the Resolution. First, it was contended that the Govern-

ment of India was responsible, because they allowed certain alterations to be introduced into the charter of the Bank, and were, therefore, responsible for the abuse of the powers they placed in the hands of the Directors, and next, that the Bombay Government being shareholders in the Bank, and nominating Directors to look after their interest in it, they were—to use the words of the Petition presented to the Secretary of State—unlimitedly liable. He would reply to both these contentions. He denied that the alterations in the charter had been introduced at the instance of the Bombay Government. The shareholders themselves took the initiative in that direction, and it was only on account of the strong representations they made that the Government agreed to the alteration. At a special meeting held in November, 1861, they resolved that the Directors should be authorized to take such steps for varying, altering, or annulling the provisions of the Act under which the Bank was constituted and for obtaining the incorporation of the Bank as to them might seem expedient. The shareholders by that resolution placed an absolutely discretionary power in the hands of the Directors, and that step it was which led to the alteration of the charter. He quite admitted that it would have been better if such alterations had never been made, and that after they had been, the Government of Bombay did not perhaps exercise sufficiently their powers of supervision of the management of the Bank; but, admitting that, it seemed to him almost ridiculous to contend that when the Government placed certain powers in the hands of individuals they were responsible to those who requested them to do so for the abuse of those powers. As well might his right hon. Friend the Chancellor of the Exchequer be held responsible for an accident caused by the incautious use of firearms because he had proposed the levying of a duty on the licence to carry arms. But there was this further fallacy in the argument of his hon. and learned Friends, that they had assumed that the alteration of the charter had necessitated the failure of the Bank. The failure was, in fact, caused by a wild and reckless spirit of speculation on the part, not of the Government, but of the commercial Directors of the Bank. The most legitimate banking transaction

would become dangerous if the security on which it was based were worthless; and even under the old charter it was possible for the Directors to discount bad bills and transact business on which large losses might occur. Of this he was certain—that if the Directors of the old Bank had been actuated by the same spirit of speculation as were the commercial Directors of the new, the Bank would equally have failed. A great deal had been said as to the losses alleged to have arisen in consequence of the alteration in the Act, which permitted the Directors to advance money upon shares of companies which were not guaranteed by the Government, but out of a total loss of £1,800,000 only a loss of £440,000 was attributable to that alteration. The failure of the Bank was, therefore, attributable not to this alteration in the Bank Act, but to the conduct of the Directors, who made the most improper use of every power which they possessed. It was alleged that the Government had interfered in the management of the Bank. It was true they had done so, but in what manner? Why, they had interfered with the view of inducing the Directors to place their business on a more legitimate footing, and when Sir Charles Wood wrote to the Governor of Bombay directing that this special power of the Directors should be rescinded, that communication on being shown to the Directors of the Bank was denounced by them as a most tyrannical interference with the affairs of the Bank. The truth was, that the Government Directors, who were appointed to look after the Government interest, had neglected their duty and that the Shareholders Directors, who had been appointed to look after the interests of the shareholders, had equally neglected theirs; and the result was that both the Government and the shareholders had lost all the money they had invested in the Bank. It seemed, however, to be a most extraordinary proposition to make that the Government who represented one set of shareholders should be held responsible to another set of shareholders for the losses sustained by the Bank in consequence of this common neglect of duty by the Directors; and it was most surprising that such a proposition should have been brought forward by three legal Gentlemen who must be aware that it was

directly contrary to the law, custom, and practice, of this country. He entirely denied the accuracy of the assertion made by the hon. and learned Member opposite (Mr. Evelyn Ashley), that the Directors of the company were Government officials. So far from that being the case, when the Government endeavoured to secure the election of a safe Director, the shareholders put him aside and chose to elect a speculative Director in his place. It had been stated that the Government were the guardians of the funds of the Bank, but that statement also was without foundation. The hon. Gentleman had further alleged that the alterations in the Bank Act had been introduced by the Court of Directors in a surreptitious manner; but the fact was, that they were all made at the suggestion of the Directors of the Bank acting for the shareholders. His hon. Friend the Member for East Sussex (Mr. Gregory) also made two statements with regard to Sir Bartle Frere when Governor of Bombay which were not altogether just. He said that when Sir Bartle Frere asked the Government to support the Bank, during the time when a run was made upon it, he had stated that he wished it to be supported for political as well as commercial reasons, and therefore, said the hon. Gentleman, it was evident that the Bank was being used as a political engine in the hands of the Bombay Government. That was not the fact. The Bank was supported by the Government on the occasion in question, because had it failed at that critical period wide-spread commercial distress would have resulted, and what an outcry would have been raised had the Government refused to lend the Bank its assistance in such an emergency? After all, the House must not forget that all the depositors and the creditors of the Bank had been paid out of money furnished by the Government, and that, therefore, the only question at issue was raised between the Government as shareholders and the other shareholders of the Bank. His hon. Friend went on to allege that the sum of £250,000 had been advanced by the Bank to Prem Chund Roychund, the great Indian speculator, at the instance of Sir Bartle Frere. But there again his hon. Friend was misinformed. Prem Chund Roychund, who was a native Director of the Bank and a great gambler, was a man

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of considerable importance, and it having been stated that unless an advance of £250,000 were made to him he would probably fail, a meeting of the Directors of the chief of the Bombay Banks was held on the 26th of April, 1866, at which it was resolved that the necessary sums should be advanced to him by the banks jointly, the Bank of Bombay agreeing to furnish £105,000 of that sum. The whole of the money was to be advanced, in the first place, by the Bank of Bombay, which was to be repaid by the other banks in stated proportions. [Mr. GREGORY said, those banks subsequently repudiated their liability.] That was perfectly true; but the arrangement sanctioned by Sir Bartle Frere was the one he had indicated. Sir Bartle Frere had stated that the opinion of the Directors of the different banks at the meeting to which he had referred was unanimous as to the necessity for supporting Prem Chund Roychund, and that they had intimated to him that no other course was open to them except to render that person assistance. In criticizing the conduct of Sir Bartle Frere in this matter therefore, it must be recollected that almost the whole of the leading banks in Bombay had represented to him the necessity of the advance being made to Prem Chund Roychund, and that under such circumstances it would have been impossible for him to have declined to sanction the loan being made. His hon. Friend had suggested that because the Government of Bombay had been paid by certain persons for land purchased by them, the Government ought to stand in the same position with regard to the Bank as those persons had done who had subsequently failed, owing large sums to the Bank. A more extraordinary proposition than that he had never heard. His hon. Friend went on to justify his proposition on the ground that the Government had made large profits from the sale of land in Bombay; but the fact was that while the expenses connected with that land amounted to £2,500,000, only £750,000 had been received in respect of its sale, thus leaving a deficit on the transaction of £1,750,000. He hoped he had made clear to the House that this proposal was one to which Her Majesty's Government could not in any way assent. He might point out to the House that if this was a proposal affecting English

revenues, he did not think it ever would have been made; and he therefore must ask them to act with regard to Indian revenues as they would act towards English revenues. He was sure there was not a single Member of that House who did not feel the greatest sympathy with the shareholders for the loss of the money they had subscribed. He was afraid, however, that it was one of the inevitable consequences of financial panic that losses fall on those who are least able to bear them, and he was also afraid was it a law of Nature that in any crisis the weak must go to the wall. No doubt, many persons who had spent the greater portion of their lives in the service in India were suddenly deprived of sums which they had hoped would support them to the end of their lives. But how did they lose these sums? They lost them because persons indulged in wild and reckless speculation; and if hon. Members of that House felt sympathy with shareholders who lost their money in consequence of the reckless speculation of those to whom it was entrusted, do not let them adopt the illogical course of accepting a Resolution which unquestionably must tend to increase speculation and reckless investment. If the House, either directly or indirectly, laid down the principle that, because the Government was a shareholder in any concern, therefore all the shareholders were to have a claim against it, what would be the result? The shareholders of any concern such as this would say to the Directors—"Speculate; give the highest dividend you possibly can; we insist upon that, for what matters it if the bank fails? We have got a claim against a number of shareholders—the Government." Of course, if the shareholders had a claim against the Government, it was clear that all creditors and depositors had an equal claim. Nothing was more clear than that. If the House wished, therefore, to put a stop to such practices as were revealed in Sir Charles Jackson's Report, it could not do better than reject the proposal which had been submitted to it. His noble Friend the Secretary of State for India, shortly after his accession to office, had the case under his consideration; he gave it his most careful attention, and in the answer which he returned to the memorial he informed the memorialists he had given every

consideration to the circumstances, and that he was afraid he could not comply with their request, neither could he assist them in any other way. He (Lord George Hamilton) felt pretty confident that the decision at which his noble Friend had arrived was one which would be supported by the large majority of that House.

SIR EARDLEY WILMOT said, notwithstanding what had fallen from the noble Lord the Under Secretary of State for India, he was still unpersuaded that the Motion was not entitled to the favourable consideration of the Government. There were many precedents which he cited, and which might be advanced in favour of compensation being granted; and, in this case, seeing who the unfortunate shareholders were, and the losses they had sustained after many years spent in service in India, he had a strong conviction that they were entitled to it. He contended that the Government of Bombay were liable to the shareholders; because, although knowing the condition of bankruptcy in which the Bank was placed, they sanctioned large advances to be made by it to the Asiatic and other banks, which had soon afterwards failed, and whose financial position the Government had had ample opportunities of ascertaining. Under all the circumstances of the case, he could not conscientiously oppose the Motion, and should, therefore, give it his decided support.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 104; Noes 37: Majority 67.

MANNING THE NAVY.

OBSERVATIONS.

LORD CHARLES BERESFORD, in rising to call attention to manning the Navy, said, in the observations he sought to offer he had no desire to criticize the present or any other Board of Admiralty. He considered the subject which he was about to treat of as one in which the country felt deep interest. What he was particularly desirous to allude to was the defect arising from the absence of barracks, with accompanying frigates as drill ships, in which the men might be accommodated and trained for

the Service during the time that they were in port. With regard to the men of the present day, he believed it would be agreed by all naval officers that the seamen of the present day were infinitely superior to the class of men who were employed in it 10, or 15, or 20 years ago. At that time there were 1,100 men in the ship which he joined when he entered the Service, and of the 1,100 at least 500 could neither read nor write, and their habits were different in many respects from those of the men at present in the Service. Their mouths were generally filled with tobacco, and when they came on shore they commonly spent their money in getting drunk. That state of things, however, did not now exist, for under the new regulations the men, when paid, did not get the same amount of leave on shore as formerly. In France, and other foreign countries, there was better training accommodation for their sailors than this great maritime country had for its seamen, and owing to the absence of the necessary training ships the country did not get more than two-thirds of a man's actual work and time, because the rest of his time was spent in making him become what he should be. Before the Russian War, the men who joined were those who had been connected with the Mercantile Marine, and who were good seamen; but now those joining had to be taught. Therefore, what he wanted, as he had before observed, was to urge the necessity of providing regular head-quarters for the Navy—barracks, having frigates in connection with them—through which men and boys could be drafted in proper rotation to vessels which required them. The men in the depôts were constantly being employed in dockyard work, and the time was thus wasted which might be turned to good account in re-qualifying them for service on board ship. If, however, they were in barracks, they would have to go through a certain amount of drill, and would, with even a very small amount of practice, learn, at least, how to hold a rifle. He must also insist on the necessity of having seamanship taught when young, for it was impossible to acquire a thorough knowledge of it in advanced years. It would require every year 3,000 boys to keep the Navy up to a strength of 19,000; but as we only got about 2,700, it became necessary to draft into the Navy

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for boys ordinary second-class seamen. There were from 1,300 to 1,800 boys constantly waiting in guard-ships to be drafted into sea-going ships; and it would be of great advantage to them if they could be removed into barracks as soon as they left the training ships. The system of training ships was most excellent, but where the system failed was, that when boys had to wait for nine months or so upon guard-ships they became discontented more or less. The Estimates were always made out for pure seamen. A pure seaman, however, was nothing under an A.B., and the Estimate, therefore, ought to be made out for so many pure seamen, and so many ordinaries of the first and second class. In 1874 there were 5,063 ordinary second-class seamen, and of others who were rated as men there were 1,193, or in all 6,256 embryo seamen. These, however, were included in the 18,000 who were supposed to be pure seamen; and deducting them, there would only be about 11,000 real pure seamen left. In 1874 there were 221 ships in commission; of these 72 were fighting ships, and 189 were yachts, tugs, troopers, gunboats, and so on. In the 72 fighting ships there were 11,000 seamen, leaving 7,000 men in ships of other kinds. If there were barracks, all these 7,000 men might be re-qualifying for their next ship. Many of the first-class reserve men were also used in the depôts to do dockyard work. When he was at Plymouth, he was often asked by seamen to get them on to sea-going ships. One of these, a very smart seaman, when he applied, was asked what he had been doing lately, and the reply was—"Well, Sir, I have been doing horses for the last nine months." It seemed that he had, with a horse, been towing timber round the dockyard; an occupation in which such a man was really wasted. Another thing he complained of was that there was no fixed system by which seamen were taught gunnery—no roster, according to which every seaman was instructed in gunnery. Why, also, should not the non-competent class of men—the stokers, &c.—be trained? In the *Hotspur* class they were 55 per cent of the number of seamen; yet they would be quite useless in a hand-to-hand fight. If there were barracks, the non-competent men, while living there, could be

at least trained. As to the Reserve Force, while it was impossible to deny that the material of our Mercantile Marine was as good as ever, he must contend that they did not have the practice which was necessary to fit them for serving on board a man-of-war. There was no captain, he should think, who would care about employing men on his ship who had never been under man-of-war discipline, however willing they might be. We had 10,000 men in the Royal Naval Reserve, each of whom could be obtained at the rate of £15 a-year, including the cost of food and clothing. But why, he would ask, should we not keep the 10 years' men, who were the most valuable class of men whose services we could secure? He saw no good reason why each of them should not get £7 or £8 a-year with that object. Almost all those in Captain Shaw's brigade were such men, and, indeed, they were a class of men whom anyone would be glad to have in his employment. In fact, at present they became signalmen on railways, and occupied other responsible posts. The average number of them who left the Navy every year was 1,163; of these there came back to the Service 935, so that there were 228 of these 10 years' men lost every year. If they could be retained there would be no necessity for calling them out every year; indeed, once in three years would suffice, and in the event of sudden war he was satisfied they would be found to constitute a most admirable force, while if they knew they were to receive £6 or £7 or £8 a-year, such a prospect would have a great effect in stopping desertion, which generally began before the expiration of the 10 years. Another thing which he wished to mention was this startling fact—that the pay in the Royal Navy had not really been augmented since the days of Trafalgar. In 1805 the pay of an able seaman was £21 15s. 6d. a-year, and in 1874 it was but £24 6s. 8d.; but at the former date a seaman got a pint of rum a-day, whilst now he got only half-a-gill, and the slight increase in wages would barely pay for the rum. He admitted that the comforts of the men had been in this time immensely increased; but when wages ashore had risen so much, it was not astonishing that men deserted to get the higher wages. Another thing was that there

was now no prize money, which had formerly constituted a principal inducement for men to join the Navy. In conclusion, he begged to thank the House for the patience with which they had listened to him, and hoped that these matters would receive attention at the hands of the Government.

CAPTAIN G. E. PRICE said, he thought the noble Lord had done good service by bringing that subject forward. The present system of training boys to supply the waste of the Navy was excellent as far as it went, and it met the ordinary requirements of the Service in time of peace; but in time of war, they would have to draw as they now did for the Naval Reserve, upon the Mercantile Marine. If they were to look to the Merchant Service as a nursery for the Navy, they must encourage some kind of interchangeability between the Navy and the Merchant Service. For that purpose they should increase the nominal strength of the Navy, and allow a certain number of men, either 5,000, 10,000, or 15,000, as might be found necessary, after they had qualified and served a certain time in the Navy, to go on furlough into the Merchant Service for a stated period, say for two or three years. That would be a great advantage to the Merchant Service; and in case a war broke out, there would be a large and a real Reserve of men who could be called to man the vessels of war. In the same way, a Reserve of stokers might be created. There was a Reserve of seamen, but none of stokers; and the same principle might be extended to the Marines. He had mentioned his idea to several Friends who were well acquainted with maritime affairs, and they were of opinion that some such arrangement would be invaluable to the Royal Navy, and also be most useful to the Merchant Service. He was not prepared with any matured scheme; but he thought that the suggestion was worthy of serious consideration.

NAVY—COLLEGE FOR NAVAL CADETS.

OBSERVATIONS.

MR. BRUCE, who had given Notice that he would move—

"That it is expedient that there should be further inquiry into the question of the locality and constitution of the proposed College for

Naval Cadets before any grant of public money is taken for that purpose,"

said, that formerly the training of those young men had generally been conducted in the vicinity of our great Dockyard establishments. In that arrangement there was a great advantage, because in those establishments the youths had an opportunity of seeing carried out all those mechanical operations connected with the construction, equipment, fitting out for sea, and repairing of ships which were year by year gaining greater importance for their profession. That would greatly encourage their studies and facilitate their education in the drier and more purely literary branches of instruction. Moreover, the Naval Service had great traditions, and the boys who entered it could not be too early imbued with its spirit, and there was no place in which that spirit was more rife than in those great establishments which were the homes of the Navy, and where all its various grades and branches were concentrated. Their constant contact there with the officers of the Navy would inspire those boys with that pride in their profession, which was one of its most valuable characteristics, and which he trusted the Navy would always retain, whatever might be its mechanical developments. Before fixing the site of the proposed College, therefore, it was desirable to consider carefully the evidence as to the suitability of the places recommended. The *Britannia* training-ship was now stationed at Dartmouth, a place which he considered objectionable as a site for the College, because it was entirely removed from the great Dockyard establishments of the country, and because it was a small place. The harbour in certain states of the weather was inaccessible, and it was close to one of the roughest parts of the British Channel. He did not come forward as the advocate of any particular locality, but, from his own experience, he thought that such a place as Portsmouth, where there were large Government establishments, a roadstead in which training-ships would be always safe, and where the boys could at all times of the year be exercised, was eminently suited for a training establishment. There was besides a large quantity of land belonging to the Government which could be utilized as the

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site of the proposed College without any cost. He had no doubt there were other places which might be recommended. All he wanted was that the advantages offered should be carefully considered before a decision was come to. Perhaps, it would be an advantage if the College could be opened to boys for the purpose of being trained for the Merchant Service, on payment of a small fee, the experience of our public schools in destroying exclusiveness having shown that it was desirable to have boys who were destined for different professions educated together.

MR. SHAW - LEFEVRE said, he thought that if the *Britannia* was to be retained, there would be much to say in favour of keeping her at Dartmouth; but as it had been determined to do away with that training-ship, and establish a College on shore, the question was very much altered. The distance of Dartmouth from London was an important consideration, for it was desirable that the College should be under the immediate supervision of the Board of Admiralty; and in connection with the *Britannia* a thorough supervision had not been found practicable. Moreover, the distance of Dartmouth from the homes of most of the boys would cause many of their parents a serious expense; and it was not a place which one would choose on account of any advantages in regard to climate, as it would be found too relaxing. Although he had not the same interest in Portsmouth as the hon. Member who had last spoken, he believed it to be one amongst a number of places which were well worth considering. Amongst the others he would name as examples the Isle of Wight, the north side of the Solent, Weymouth Bay, and Branksea Island. The only argument in favour of Dartmouth was that they had already some small institutions there, as an hospital and a playground; but these were so small that they ought not to be allowed to interfere in the settlement of the question. Turning to the speech of the noble Lord the Member for Waterford (Lord Charles Beresford), who had addressed the House in a manner which gave considerable promise upon a different subject, he understood the first point to which he had called attention to be the length of time which many boys were kept unemployed after the period of their train-

ing. That had always been found a considerable difficulty at the Admiralty. There were 7,000 boys, of whom 3,000 were in training ships, and great difficulty was experienced in finding places for the remaining 4,000 in sea-going ships. A proportion of 4,000 boys to 18,000 seamen was very large. It was recognized as necessary that 3,000 boys should enter every year, in order to keep up the supply of 18,000 seamen, which showed that the waste of seamen must be very great. The point which the noble Lord had brought before the House, whether something could not be done for the better training of those boys in the interval between leaving the training-ships and finding places in sea-going vessels, was well worth the consideration of the Government. The training-ships, no doubt, furnished admirable material for the Navy, but after all it was a question of some importance whether we should rely entirely on the training of boys, and not encourage the entrance into the Navy of men from the Merchant Service. It might be said that in the present condition of the Merchant Service it would not be easy to get the men we wanted, and complaints had been made last night of the difficulty of procuring men for the Merchant Service itself. But when we considered the large number of men in our Mercantile Marine, there could hardly be any extraordinary difficulty in the matter. One obstacle was the difference of wages for continuous-service men in the Navy and Merchant Service. The wages of non-continuance men in the Navy, however, were still lower, and as long as that remained so, he feared there would be no use in trying to get men to enter from the Merchant Service into the Navy. It was, therefore, a matter worthy of the consideration of the Admiralty, whether some greater inducement than was held forth at present should not be offered. Very great advantage to the Navy would be derived from the building of naval barracks at Portsmouth, Plymouth, and Devonport. If the men, when brought ashore, were placed in naval barracks, they could be better trained than they were now, and we should be enabled to get rid of some of the stationary and dépôt ships now in use which ran away with a great deal of money for repairs. He thought the noble Lord had done good service in

bringing the question before Parliament.

LORD HENRY SCOTT said, it would be a great advantage to the country and to the Navy itself if a little more information were given as to the best site for the Naval College before Dartmouth was definitely decided on. No doubt an admirable site could be found at Dartmouth, though it might be thought that the climate there was of too relaxing a nature. But a point which should have great weight with the Admiralty was that the Naval College should be somewhere in the vicinity of some great naval station, dockyard, or arsenal. If there was one spot more than another where an opportunity would be given of seeing what the Navy really was, what our naval establishments really were, and the quality of those great ships which were rather machinery than anything else, it would be found in the neighbourhood of great dockyards like Portsmouth or Plymouth; whereas, if Dartmouth should be selected, the boys would never see Her Majesty's Ships from year's end to year's end. There was ample room between Portsmouth on the one hand and the Southampton Water on the other along the shores of the Solent to find a better site for a Naval College than on any other part of the Coast. This was a subject upon which it would be well that the Government should give full information before a large expenditure was incurred.

MR. HUNT said, the House was indebted to his noble and gallant Friend the Member for Waterford (Lord Charles Beresford) for having initiated a very interesting discussion with regard to the state of the Navy and the way in which it was to be manned. For his own part, he felt very much gratified that his noble and gallant Friend should have taken such a part in this debate, because he considered that the practical experience of a naval officer on such subjects was exceedingly valuable both to the House and the Government. In a great deal of what his noble and gallant Friend had said he went entirely with him. He felt there was a great want of proper employment and training for these young seamen when they were first rated on leaving the training ships, and the Admiralty were taking steps to provide a remedy. It was their intention not only that brigs should go out in the winter

as well as the summer for the purpose of training these young lads when first rated, but that another and a larger ship should be provided to supplement the accommodation furnished by the brigs. It was no doubt a great fault that those boys should spend so much time in harbour, and it had long been felt that when they were first rated—for they were only boys at that time—they did not acquire such habits as were desirable if they were not sent to sea at once. But that was the result of a system very valuable to the country—that of having a Reserve in our ports. Supposing the plan were adopted of sending them to sea at once, then we should have no Reserve. But if we wanted to have sufficient men for our ships in time of need, we must have a number of young seamen sometimes employed "to do horse," to use the phrase quoted by his hon. Friend. It had been proposed as a remedy that we should build naval barracks, which would promote the efficiency of the men by the training they would receive there. No doubt, a more perfect system than the present one might be devised, but then all the *pros* and *cons* would have to be considered. The establishment of naval barracks would be a matter of considerable expense, and would meet only one of the difficulties, but not that of not sending these young men to sea. If they were kept in those barracks they would not be acquiring habits of seamanship more than at present. His noble and gallant Friend had touched on the question of the pay of the seamen, which, he said, had not been raised since the Battle of Trafalgar. That, though accurate as regarded the seamen generally, was not accurate as regarded the petty officers, who had received a considerable increase. And, besides, there was now a great inducement held forth in the shape of additional pay to seamen in the Fleet who conducted themselves properly and discharged their duties meritoriously. Therefore, it was open to any seaman to obtain a higher rate of pay than the pay at first fixed. But that the rate of pay was sufficiently attractive to the class of men who were inclined towards a seafaring life was proved by the number of men who joined again for a period of 10 years. He entirely approved of the desirability of retaining men who had already served 10 years in the Service, in respect of

which his noble and gallant Friend had stated that out of 1,100 men in one year, 900 joined again for a period of 10 years. That was a large percentage. His recollection, however, entirely bore out the statement of his noble and gallant Friend, for that was very nearly the proportion in which men did re-enter the Navy, and he thought it was a very satisfactory state of things. It went to show that the pay now received by the Navy was sufficiently attractive to induce men to continue in the service. The hon. and gallant Member for Devonport (Captain Price) thought there might be a system of interchanging men between the Navy and the Mercantile Marine, but he feared there would be considerable difficulty in such a scheme. He (Mr. Hunt) had, however, endeavoured to establish a system by which we might train boys for the Naval Reserve, at the same time that they were training for the Mercantile Marine. That he thought a practicable system, for let the seamen of the Mercantile Marine once acquire the use of arms, and then we should have a force we might rely on in the event of a war. The subject of the proposed establishment of a Naval College had been introduced in a very able speech by his hon. Friend the Member for Portsmouth (Mr. Bruce). He pointed out the advantages which would be derived from establishing a Naval College for cadets in the neighbourhood of one of our great arsenals, and he naturally enough preferred Portsmouth. No doubt there would be great advantages in having a College there, where the young officers would see ships in the course of construction, but a great many points had to be considered. It must be known to the House that Portsmouth had its disadvantages, and as a matter of experience, it had been found necessary to remove the *Britannia* training-ship from Portsmouth first to Portland, and afterwards to Dartmouth. The question had been under consideration for a long period of years, and it was matter of surprise that a decision had not been arrived at sooner. There was at the Admiralty an immense number of particulars about every possible place, from the River Orwell almost to Penzance. Every conceivable place was reported on with regard to the object in view — namely, the education of

naval cadets. The result arrived at by the gentlemen in charge of the duty was that four places should be taken into final consideration—Portsmouth, Portland, Poole Harbour, and Dartmouth. The objections to Portsmouth were that the harbour would not be available for boys learning how to manage small boats, being constantly traversed by vessels of all sorts, and there was also the contiguity to places to which it was not desirable boys should have ready access. Portland, as he had said, was tried when the *Britannia* was removed there from Portsmouth. That had also been under consideration; but the sea was so generally rough at Portland, that boys got drenched to the skin when they went out, and there was a very great difficulty in landing. It would be an exceedingly bleak place for a College. It had also to be remembered that there was a convict prison at Portland, which was objectionable; the country about was very limited, and those amenities generally looked to for walks and recreations were not to be found there. Then with regard to Branksea Island, it was very well worth consideration. It had many advantages but it had this disadvantage, that it was an island, and it would be a great objection, if the College were placed there, that it could only be reached by water. With regard to Dartmouth, he quite saw the force of the objection on the ground of its remoteness. He did not wish to underrate that objection, but they had to consider the *pros* and *cons*, and after carefully considering the matter he had come to the conclusion that, on the whole, Dartmouth was the best place. It was known to the House that a very able Committee had looked into the question; they spent some time at Dartmouth, and when they returned, he spoke to one of its Members, who said they could not have a better place than the high land immediately above the boys' gymnasium and bathing place. He was not acquainted with the exact site, but he went down there during the Easter Recess, and he must say it would be very difficult to find a more beautiful site. It seemed to possess every advantage. The harbour was landlocked; the water was almost always smooth, and there was little or no interruption from vessels passing up and down the river. These were great advantages where boys were learning to

handle a boat or manage small sailing vessels. There was also the experience of the *Britannia* on the score of health. He was also told that the site he had looked at was much less relaxing than in the valley of the river. The walks in the neighbourhood were very beautiful, the general healthiness of the place was good, and in every respect, except that of remoteness, it was unexceptionable. On the whole he was satisfied they could not do better than choose it; and his Colleagues, naval and civil, had arrived at the same conclusion. Although satisfied as to the salubrity of the place, he had requested the Medical Director-General to make a special report upon the site. The Admiralty were offered a sufficient quantity of land at a not unreasonable rate; and he believed that any one who went down to the spot would be satisfied that a wise selection had been made.

GENERAL SIR GEORGE BALFOUR said, that the best information on record on the training of boys for the Navy would be found in the Proceedings of the Royal Commission of 1866 on the recruiting of the Army. The evidence of Admiral Eden, then one of the Lords of the Admiralty, was taken in great detail, and the cost of training boys was then ascertained, and, although the average was now put down at only £10 in the Estimates, yet he believed that the inclusion of establishment and all other expenses would bring the total cost per boy up to £65 a-year. It would be well if the Admiralty would direct their attention to the ample supplies of fine young lads trained up by the fisheries of the east coast of Scotland, which he believed would furnish a large number of boys admirably suited for the Navy. Under the far more favourable feelings towards the Navy as compared with that which existed in former years, when sailors were so harshly treated and so little cared for, he felt confident that boys from the fisheries to the number of 2,000 or 3,000 could easily be induced to join the service. A little encouragement to parents, the granting of family tickets, even for a few shillings a-month, would have a great influence on boys and parents. The permission to go back to their villages and to be landed along the coast by one of the vessels of war, so readily made available, and again taken up at the end of the leave,

would entirely change the distrust, which still remained against naval service, into one of liking. This excellent source of supply well deserved to be encouraged. It would be easy to raise up the fisheries by improved harbours to double the strength in boats, men, and boys, now existing, and if in that improved condition, the Navy might always rely on procuring as fine lads as could be desired. He would also recommend the right hon. Gentleman the Secretary of State for War to adopt the same system of training for the Army as existed in the Navy. The Royal Commission of 1866 on Recruiting advised this mode of providing men for the Army to be considered, and now that so much was said about inefficient and insufficient numbers of recruits, he hoped that this recommendation, like many other suggestions of that Commission, would not remain in a state of neglect.

ADMIRAL EGERTON, as a naval officer, thought that at the end of 13 years it was time that the desirability of this proposed Naval College was settled, and although Dartmouth might not be the best place in all respects, still he should be glad to accept the decision of the Board of Admiralty on that point. He did not think it would be any great disadvantage to the College being fixed at Dartmouth that it would be so far away from the Admiralty. On the contrary, good would result from its being removed from the direct personal supervision of the authorities at Whitehall. A capable teacher would have greater freedom in carrying out his own ideas, and would be more likely to be successful than if he were open to constant interference.

MR. GOSCHEN thought the hon. Member for Portsmouth (Mr. Bruce) had done good service by bringing the question of the Naval College before the House. He was glad the First Lord of the Admiralty had given them the reasons which had led to the selection of Dartmouth, and it must be admitted there was considerable weight in them. He concurred with the right hon. Gentleman in thinking that Portsmouth would be an undesirable position for this institution, which would be a school rather than a college. When the Royal Naval College at Greenwich was founded, it was not considered desirable to place naval cadets there, and the objection to Greenwich applied with still greater

Mr. Hunt

force to Portsmouth. The remoteness of Dartmouth as the site of the College was, no doubt, to some extent, an objection, not only with regard to its supervision by the Admiralty, but also on account of the distance of the cadets from their parents. He trusted that the right hon. Gentleman would not proceed further until he had thoroughly satisfied himself from the Report of the Medical Inspector of the Navy that the site was in every respect satisfactory. In that case the establishment of the College was, in his opinion, a wise step. He was glad to hear the right hon. Gentleman proposed to give further facilities for the training of ordinary seamen in sailing ships, as the importance of such training could not be exaggerated. When he (Mr. Goschen) was at the Admiralty, he found it advisable to attach to a squadron like that in the Mediterranean a sailing vessel in which ordinary seamen might be trained, and the greatest advantages were derived from that system. If the right hon. Gentleman would attach sailing ships to some of the other squadrons, it would be a further step in the right direction. In his opinion great good would arise from the point which had been raised by the noble and gallant Lord the Member for Waterford (Lord Charles Beresford). The continuous service system must be at all hazards maintained, but there were difficulties in the way of naval barracks. The present receiving ships were, however, most costly in every way.

MR. ALGERNON EGERTON said, with reference to the remark of the hon. and gallant Gentleman the Member for Kincardineshire (Sir George Balfour), that the average cost of training boys for the Navy might be taken at £70. The Admiralty entirely concurred with the hon. and gallant Gentleman as to the naval qualification of the men and boys engaged in the Scotch fisheries, and one object of the recent cruise by some of the Members of the Board was to endeavour to get them to join the Naval Reserve. The hon. Member for Portsmouth (Mr. Bruce) objected to the Dartmouth site on the ground that it was near a convict prison; but the nearest prison was at Dartmoor, and that was 40 miles off.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—NAVY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £1,106,581, Victuals and Clothing for Seamen and Marines.

MR. SHAW - LEFEVRE said, he wished for some explanations relating to an increased share of the expense of Indian troop-ships now borne by the Admiralty. They were employed by the Indian Government for seven months, and then the men were sent to the *depôt* ships for five months. They were, however, practically at the disposal of the Indian Government, and could not be used in any other way. The claim of the Indian Government to be relieved from a portion of this charge was not a new one, but upon the whole it was, he thought, fair that the Indian Government should pay for the whole year.

MR. HUNT said, he feared there had been a disposition now and then to press too hardly on the Revenues of India. He had looked into the matter, and when he found that the Indian troop-ships were only employed for seven months, it certainly seemed to him exorbitant to charge them for the whole year. A satisfactory arrangement had been concluded with the Indian Government, by which the expense to which the hon. Member had referred would be borne in equitable proportions between the Government of this country and the Government of India. He hoped, in return, that the Indian Government would make some allowance under other heads.

GENERAL SIR GEORGE BALFOUR thanked the right hon. Gentleman for the acknowledgment he had made as to the hard pressure put on Indian finances. It was not only by the Navy, but by the Army that this pressure had been applied, and as he thought unjustly applied. The Imperial Government had seen fit to deprive India of its own Navy and of its own European Army; and then had pressed India to meet charges which would not have arisen if these forces had been kept up by India; or, at all events, the extraordinary expenses which both Departments now demanded from India for measures suited for Imperial reasons, and not for Indian purposes, would not have been incurred by India for its own services. It was creditable

to the Conservative Party for having effected the arrangement to which he had referred, and which he had himself long since advocated.

MR. SHAW-LEFEVRE also considered the explanation of the First Lord of the Admiralty satisfactory.

MR. SAMUDA was about to direct attention to the position of assistant-engineers in the Navy, when—

MR. ALGERNON EGERTON rose to Order, and said, he thought the subject could not be discussed on the present Vote. It related to Vote 1, which had already been agreed to.

THE CHAIRMAN said, he could not see in what respect the question could be raised on the Vote under consideration. In any remarks the hon. Member might desire to make he must confine himself to that Vote.

MR. GOSCHEN said, that there was always a great desire on the part of the House to facilitate the passing of the 1st Vote; and it was impossible after the general statement on a Vote, to enter into particulars. If the ruling of the Chairman was good, those who objected to any item would be placed in this dilemma—either they must in future refuse to agree to Vote 1 on the night the Navy Estimates were introduced, or deprive themselves of the opportunity of raising questions which might be of great interest and importance.

THE CHAIRMAN said, his only wish was to facilitate the business of the Committee as much as possible, desiring that each Member should have full liberty to discuss every topic arising out of the Vote proposed. The hon. Gentleman the Member for the Tower Hamlets (Mr. Samuda) would have several opportunities of bringing forward the subject to which he had referred; but in Committee it could be done only on Vote 1, which had been disposed of.

CAPTAIN NOLAN thought that Vote 1 having been passed for the convenience of the Minister, the line of exclusion ought not to be too rigidly drawn. If it were, the decision would prevent private Members from raising questions which they wished to discuss.

MR. HUNT said, he was anxious that no technical difficulty should be placed in the way of his hon. Friend bringing forward the subject to which he had alluded.

MR. SAMUDA said, that was the

only opportunity he would have of calling attention to the position of the engineers. Unnecessary restrictions were, in his opinion, placed in the way of their advancement, and all he asked for was, that those who were capable of taking the position of chief engineers might be advanced to that post without being obliged to wait until they reached the age of 40; and that when they were retired they might be relieved from the humiliation of signing a paper declaring that they had been pensioned, like warrant officers or cooks. He hoped the subject would receive the consideration of the Admiralty.

SIR JOHN HAY hoped that the Chairman would reconsider his decision with reference to the limits that should be put upon the discussion on Vote 2 for Victuals, inasmuch as it was of considerable advantage that the Vote for Men should be allowed to be taken on the evening when the Estimates were first brought forward, leaving all minor points relating to that Vote to be discussed on Vote 2.

THE CHAIRMAN said, that the rule he had laid down was that most conducive to the dispatch of Business. No doubt, a certain latitude might have been occasionally allowed by his Predecessors in the Chair, and he had not, perhaps, been strict enough in enforcing the rule, being reluctant to interfere. The rule, however, was imperative that after the first Vote upon which the general discussion was had, was taken, the speakers on all future Votes were to confine themselves to the matter of the particular Vote under discussion at the time, and when his attention was called to the fact that that rule was being infringed, he felt bound to say, that he adhered to the opinion, that it was an inconvenient practice to exceed the limits of any particular Vote, after the first, in discussing that Vote.

MR. GOSCHEN asked the First Lord of the Admiralty for an explanation of an increase in the items in respect of the allowance in lieu of provisions for the Royal Naval Reserve, and the Coast Guard Service. He desired to know, also, whether any progress had been made in elucidating the subject of lighting Her Majesty's Ships; and, further, why there was an addition to the amount for clothing the Second-Class Reserve?

General Sir George Balfour

MR. T. BRASSEY was of opinion that the engineers were not sufficiently paid, and that a solution of the difficulty would be found in diminishing the number of engineer officers in the Fleet, and employing a considerable number of skilled artificers to perform the manual labour in the engine room.

MR. HUNT said, he was not inclined unnecessarily to limit discussion on naval matters, but he thought that the remarks of hon. Members on the present occasion had been extended to all the provisions, rather than the particulars of the Navy. He was, however, glad of the opportunity of saying that the very difficult question with regard to the engineers was under his consideration, although he was not yet justified in announcing his decision respecting it. In reply to the questions of the right hon. Gentleman the late First Lord, an increase of £5,466 had been caused by the addition of 4,000 men in the Naval Reserve; and of £3,867 for the Coast Guard, because it had been found that the amount hitherto taken was not sufficient; but there had been no change in the regulations. The system of lighting the ships on service was under consideration, and experiments were being made with regard to a new system; but the question was not yet ripe for decision. The increase in the Vote for clothes to the Naval Reserve was owing partly to an increase in the numbers of that Force, but mainly to a suit of clothes being given to such men as chose to re-enter that service at the expiration of their first term.

Vote agreed to.

(2.) £183,916, Admiralty Office.

MR. GOSCHEN asked the reason for changing the titles of the officers in the Constructor's department; and, whether the business at the Board of Admiralty was conducted with the same formalities as it used to be?

MR. HUNT said, that no formal change had been made in the mode of conducting business at the Admiralty; but he was led to believe that the naval Members of the Board were now consulted on many matters on which they were not consulted by his two immediate Predecessors. With regard to the titles of the officers in the Dockyard, it was represented to him that the title of Master Shipwright did not convey a just

idea of the importance of the office, and it had therefore been changed into that of Chief Constructor of the Yard.

MR. E. J. REED asked, whether the effect of the establishment of a Council of Construction had been to concentrate or diffuse responsibility?

MR. HUNT said, that both in the Admiralty and the Dockyards, those at the head of the Constructor's department were responsible generally for construction. The engineers were responsible for the engineering part of the work, subject to the Constructor.

MR. SHAW - LEFEVRE observed that the newspapers had stated that the post of the late Solicitor to the Admiralty was not to be filled up at present. He ventured to suggest to the right hon. Gentleman that he should take that opportunity of considering whether some of the work performed by the Solicitor might not in future be performed by the Permanent Secretary, who was of very high legal attainments, and who, by the appointment of a Naval Secretary, had been relieved of much of his work.

MR. HUNT said, that, consequent upon the death of Mr. Bristowe, which he much regretted, a temporary arrangement had been made. No permanent arrangement would be entered upon until inquiries, which had been set on foot before that event happened, had been completed.

MR. CHILDERS expressed his approval of the arrangement.

Vote agreed to.

(3.) £188,505, Coast Guard Service, Royal Naval Reserve, &c.

MR. T. BRASSEY said, it was very satisfactory to find that the rules and regulations which had been made by the late Government were approved by the right hon. Gentleman. He hoped to see a gradual increase in the number of gunboats and drill stations for the training of the men of the Reserve during the summer months. There were many places in which drill stations might be established with great advantage to the requirements of the service.

MR. GOSCHEN wished to know the number of the Royal Naval Reserve for whom it was intended to provide?

MR. HUNT said, it was intended to employ a certain number of gunboats for training purposes during the year,

and he hoped, in future, to increase that number, as he was exceedingly anxious that the men should learn to work guns afloat. With regard to the question as to the number of men to be enrolled in the Naval Reserve, there were 12,500 of the First Class, and 5,000 of the Second; and, as he had said the other day, they proposed to enrol 500 boys in a Third Class; but whether they would get the number they hoped this year, he did not know. He hoped, however, that they would come up. This would make 18,000 in all, and they hoped, from the manner in which the men were coming in, 16,900 being on the books already, to have 18,000 this year; and he further hoped that, with the increased facilities for drill, they would obtain an efficient body of men for that branch of the service.

MR. GOSCHEN hoped the right hon. Gentleman would adopt some measure of present increase of pay as an inducement to boys to join the service, which, in his opinion, would operate better than the prospect of pensions, which, however small, would, in their accumulation, become a heavy charge upon the country.

MR. E. J. REED was of opinion that small gunboats would prove of very great use for training purposes at many places where drill stations might be established.

CAPTAIN G. E. PRICE hoped that proper opportunities would be given for instruction in gunnery to those under drill. In that view 9-inch guns might be advantageously employed, under supervision, for training exercise.

MR. GOURLEY wished to know how the men of the Naval Reserve were to be found in case of a war breaking out? At present they did not turn up for drill in a satisfactory manner, and the question was, where were they to be found when a pressing call for their services might arise. The men employed in the shipyards might be made available and utilized for the requirements of the Service should urgent occasion arise.

SIR JOHN HAY hoped the Admiralty would not lose sight of the suggestion of the hon. and gallant Gentleman the Member for Devonport. He also wished to draw attention to the importance of having a Reserve of stokers, in case of any emergency arising.

MR. CHILDERS said, that when he was at the Admiralty the separate

Coastguard Department was abolished, and that nothing had been more inconvenient than the voluminous correspondence between that Department and the Admiralty Office, and he therefore hoped that care would be taken to guard against any such system in respect to the Reserve Office.

MR. HUNT assured the right hon. Gentleman that the communications which took place between the Admiralty and the Reserve Office were of the shortest possible character, and every pains were taken to prevent any unnecessary expense. With respect to the employment of men employed on shore, it was intended to relax the regulations of the Naval Reserve so as to include in it men who had been actually at sea, but this would not extend to shipwrights who had not served on board. It was not to be expected that a man would lose his sea legs the moment he left a ship. He could not actually state the percentage of the men who did not attend drill, but it was taken into consideration in the Estimate. The question of having a Reserve of stokers—a most important question—would be considered.

Vote agreed to.

(4.) £107,324, Scientific Departments.

MR. HANBURY-TRACY said, that Greenwich College was doing good service; but its usefulness would be much increased if, instead of having so many officers idle upon half-pay, they were placed upon full pay and allowed to pursue their studies in foreign languages, navigation, and other subjects. It was much to the detriment of officers that they were often kept at home on half-pay, instead of doing some kind of professional work.

MR. R. W. DUFF agreed in the suggestion, and thought that a larger sum should be allowed than £150 for the library and allowance to librarian at the College.

SIR MASSEY LOPES observed that the number of officers studying at Greenwich College was now 230, as compared with 194 last year.

MR. GOSCHEN said, that the hon. Gentleman opposite (Sir Massey Lopes) had not answered the point respecting full pay. He (Mr. Goschen) thought it was immensely to the credit of commanders and captains that at their age

Mr. Hunt

they should go through the very hard work of the Royal Naval College.

MR. HUNT explained that neither from the authorities of the College, nor from any officer in the service who had been there, had any representation reached him to the effect that captains and commanders should be placed on full pay, and it was not for him to originate a measure which would largely increase the Votes.

Vote agreed to.

(5.) £75,548, Victualling Yards at Home and Abroad.

(6.) £64,644, Medical Establishments at Home and Abroad.

(7.) £18,868, Marine Divisions.

In reply to General Sir GEORGE BALFOUR,

MR. HUNT said, they had very little difficulty in filling up the numbers of that force, which was but a very few men short at the present time.

Vote agreed to.

(8.) £73,330, Medicines and Medical Stores, &c.

MR. GOURLEY said, he took objection to the item of £15,500 for carrying out the Contagious Diseases Act, and asked for an explanation of how so large a sum was to be expended?

MR. ALGERNON EGERTON said, he had not the details of that portion of the Vote before him; but he could state generally that the money went to support two hospitals at the naval stations.

MR. WHALLEY said, he had spent some time at Portsmouth and Devonport Hospitals in making inquiries relative to the working of this Act, and he was convinced that no public money was better expended and for better purposes. The Act had worked well in the social interests of those districts where it was in operation.

MR. GOURLEY objected to public money being used to legalize vice.

Vote agreed to.

(9.) £15,904, Martial Law and Law Charges.

(10.) £148,823, Miscellaneous Services.

MR. SAMUDA said, he wished to call attention to the smallness of the sum (£2,000) proposed to be set apart for torpedo experiments, which he regarded

as being of great and growing importance. He thought the Vote ought to be greatly increased on account of that importance.

MR. WHITWELL asked for an explanation of the great increase of the Vote for "officers and seamen."

MR. E. J. REED said, that the two vessels of extreme speed proposed to be built by the Government would be valuable in the use of torpedoes. He did not, however, think that the experiments upon torpedoes should be pushed too far, as with fast vessels, which might be used also as dispatch boats, it would be easy when required to develop by their means the best kinds of torpedo warfare. If they took any urgent measures for developing torpedo warfare they would be conferring very great benefits on other countries.

MR. GOSCHEN wished to know whether the charge for torpedo experiments was separated from the charge for maintaining the *Vernon*, which had been set apart for instructing officers in the use of torpedoes?

MR. HUNT said, that torpedo experiments were conducted by the War Office and the Admiralty together. The War Office Vote for the purpose amounted this year, he believed, to £4,500, in addition to the sum taken in the Navy Estimates. But that by no means represented the expenditure on the torpedo system. Independently of the *Vernon*, which was the torpedo school ship, the Admiralty had been fitting vessels of different kinds for the purpose of torpedo warfare, partly experimental and partly otherwise, and the fitting of those vessels came under the Dockyard Vote. One ship would cost £5,000 to have her fitted out, another £1,000, and preparations were made to adapt vessels of a smaller size for the same purpose. The question was a very interesting one, and every year was assuming greater importance. It was not desirable to go into particulars in discussing the question, but every attention was given to the matter by the Admiralty and the War Office. We had Reports from our naval *attachés* both in America and the Courts of Europe as to the experiments in these countries, and we were regularly receiving information on the subject.

In reply to Sir HENRY DRUMMOND-WOLFF,

MR. HUNT said, that there was one naval *attaché* to the Courts of Europe. He was not fixed at any one Court, but travelled from place to place.

Vote agreed to.

(11.) £888,211, Half-Pay, Reserved Pay, and Retired Pay.

SIR JOHN HAY called attention to the fact that this Vote had increased by £200,000, which was an addition to the dead weight of our naval expenditure. The good intentions, moreover, of those who proposed it, and owing to whom it had been incurred had not been realized, as the country expected they would be. He would take an opportunity of bringing the subject before the House on a future occasion.

Vote agreed to.

(12.) £681,781, Military Pensions and Allowances.

(13.) £284,529, Civil Pensions and Allowances.

(14.) £172,090, Army Department (Conveyance of Troops).

SIR JOHN HAY asked for some explanation.

MR. HUNT said, it was partly incurred in sending troops and stores to foreign stations.

Vote agreed to.

House resumed.

Resolution to be reported on *Monday* next; Committee to sit again upon *Monday* next.

BANK HOLIDAYS ACT (1871) AMENDMENT BILL.—[BILL 30.]

(*Mr. Ritchie, Mr. Wheelhouse, Mr. Kay-Shuttleworth, Sir Colman O'Loughlen.*)

CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill be now taken into consideration."—(*Mr. Ritchie.*)

MR. WHALLEY said, he would move the adjournment of the debate on the ground that they ought not to proceed with the Bill at that late hour (12.45). It was re-introducing a system of Saints' days into this country, and was an interference with the trade of the Kingdom.

Motion made, and Question proposed, "That the debate be now adjourned."

—(*Mr. Whalley.*)

MR. E. J. REED said, he took the same view, and should therefore support the Motion.

Question put, and agreed to.

Debate adjourned till *Tuesday* next.

WASTE LANDS (IRELAND) BILL.

On Motion of Mr. MACCARTHY, Bill to promote the Reclamation of Waste Lands in Ireland, ordered to be brought in by Mr. MACCARTHY and Mr. ERRINGTON.

House adjourned at a quarter before One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, 12th April, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Railway Trains Regulation * (50); Public Entertainments (Hour of Opening) * (51). Committee—Report—Marine Mutiny *; Mutiny *. *Third Reading*—Elementary Education Provisional Order Confirmation (Brighton) * (32), and passed.

SIR JOHN GEORGE SHAW LEFEVRE,
K.C.B., LATE CLERK OF THE
PARLIAMENTS.

THE LORD CHANCELLOR acquainted the House that he had received from the Lords Commissioners of Her Majesty's Treasury a copy of a Minute of that Board awarding to Sir John George Shaw Lefevre, K.C.B., late Clerk of the Parliaments, a special retired allowance of £2,500 a year.

The same was ordered to lie on the Table, and to be printed. (No. 52.)

NATAL—THE KAFFIR OUTBREAK.

MOTION FOR AN ADDRESS.

EARL GREY, who had given Notice to call the attention of the House to the Papers lately laid before Parliament by Her Majesty's command relating to the Kaffir Outbreak in Natal; and to move that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to allow the Act of the Parliament of the Cape of Good Hope, No. 3. of 1874, to continue

in operation, said, he could assure his noble Friend the Secretary for the Colonies that in bringing this Motion forward he was not actuated by any spirit of hostility to him or to Her Majesty's Government. On the contrary, from the time the present Administration was formed he had always earnestly wished it success, and especially did he wish success to the Administration of his noble Friend, whose appointment as head of the Colonial Department gave him great satisfaction. But it was notorious that both in Natal itself and in the Cape Colony very strong objections were entertained to the policy with regard to the former that had been pursued by Her Majesty's Government, and such being the case, he thought it right that these objections should be stated in that House, in order that, if they were well-founded, they might receive proper consideration, or that, if ill-founded, they might be removed by the explanations which would, no doubt, be offered on the part of the Government. He was glad also to find that his noble Friend was himself of opinion that if any discussion at all on this subject was to be raised, this was the proper time to raise it, as he understood from him that the whole of the case was now before the House in the Papers which had been laid on the Table, and that it would not be for the public convenience that the discussion should be further delayed. That being so, he would proceed to state the grounds on which he intended to conclude by moving an Address to Her Majesty to allow a certain Act of the Cape Parliament to continue in operation. And in the first place he would give a slight sketch of the Colony of Natal. The territory of the Colony was estimated to be about one-third the size of England. Of its inhabitants there were 18,000 persons of European descent; perhaps now somewhat less, as the attraction of the diamond fields beyond the territory had led some of the inhabitants to leave Natal:—of the entire number of the population of European descent, about 8,000 lived in two towns; the remainder lived in farms and stations which were scattered widely throughout the different parts of the Colony. The Colony was also inhabited by large numbers of Natives. He believed the Native population did not

fall short of 300,000. All those were not of the race of the original inhabitants. Towards the close of the last century or the beginning of this, the country was densely inhabited by the Kaffir tribes; but the bloody wars waged by a famous Zulu conqueror who invaded the territory had so nearly exterminated or dispersed its former inhabitants that when about 40 years ago the first settlers entered Natal from the Cape Colony, they found the country an almost uninhabited waste. After a time, when the Colony was formed, and the English rule established, many of the old inhabitants came back, and put themselves under British protection, which was also sought by a far larger number of the Zulus. These Zulus were in many respects a fine race of men, and they were by no means absolute savages, though not far removed from barbarism. They had among them recognized forms of laws and social customs, and a state of society which, in its own way, maintained a kind of rude order among them. After the establishment of British authority, large numbers of the Zulus continued to come into the Colony; sometimes individuals or families escaping from the tyranny of their chiefs; sometimes whole tribes flying from the attacks of stronger ones—indeed, they did so to such an extent that at last it was found necessary to impose certain restrictions on their immigration. Some of these Zulus lived among the settlers as servants and assistants; and he found that many of them displayed considerable skill as carpenters and in bricklaying and other handicrafts, so much so that some were even found capable of attending to steam machinery. A case was mentioned of a Native, living within 20 miles of the port of Durban, who possessed £600 worth of steam machinery, with which he was now manufacturing sugar from canes grown and planted by other Natives, without the aid of any White assistance or intelligence whatever. The Kaffirs supplied a large part of the domestic servants of the Colony, and to them was entrusted the postal delivery all over the territory, which they performed with punctuality and despatch. But those who were employed in these useful callings constituted but a small portion of the Zulus in Natal, who were part of

the great Kaffir race spread over the South of Africa. The great mass of the race had made much less progress, and were living as tribes according to their old customs on land assigned for their use by the Government. It was obvious that the existence of so large a population of that description, though their services were valuable to the settlers, was necessarily a source of constant anxiety and danger to the Colony, and they required to be managed with great firmness and great prudence to keep them under control. These Native tribes living under the English rule were governed exactly upon the same system as the tribes beyond the boundary, who were ruled by their subordinate Chiefs, each of whom in his turn owed allegiance to the Zulu King. In like manner the tribes within the boundary were governed by their own Chiefs under Her Majesty's Representative, the Lieutenant Governor of the Colony, who, by an ordinance of the Natal Legislature, was made the supreme Chief over the Zulus, and who exercised over them the same authority as the Zulu King did in his territory. They were required to pay very light taxes, and to abstain from all acts of violence; but while they submitted to these rules there was as little interference as possible with the authority of the Chiefs. Such of the Native laws and customs of those people as were not repugnant to humanity were allowed to remain in force. This was the system which had been in successful operation in the Colony during the last 30 years. In the course of that time the interruptions to peace had been but very few; there had been no disturbance of any consequence, but order and security had been maintained; and favoured by these, the British settlers had amassed a large amount of wealth and property. The exports and imports of Natal for 1872—the last year for which he had seen the accounts—were just under £1,500,000, and the productive power of the Colony was extending itself very rapidly. Well, when Sir Benjamin Pine arrived at Natal as Lieutenant Governor in 1873, he found that great doubts respecting the loyalty of a powerful Chief were entertained by some of the principal officers of the Government, and by nearly the whole of the White population. He would not enter into the details of the circum-

stances which had created these doubts, and which appeared very fully in the Papers laid on the Table; it was sufficient to state that in October, 1873, Sir Benjamin Pine and his advisers thought it necessary to send a force to enforce the obedience of the Chief he had referred to, who bore the very difficult name of Langalibalele, who had been three times summoned to appear before the Governor, and evaded or neglected the summons. That would not appear to be a very grave act of disobedience to persons ignorant of Kaffir customs, but it derived great importance from the light in which it was regarded by these people. According to Kaffir law, the refusal of a Chief to obey the summons of his immediate superior was an act of rebellion deserving of the severest punishment; and in the opinion of Sir Benjamin Pine and his advisers, Langalibalele, in refusing to attend when summoned, was deliberately taking the first step in a rebellion he had been long preparing. One of the circumstances which led them to that conclusion was that he was observed to be removing the cattle of his tribe beyond British jurisdiction. Now, that also, according to Kaffir law, was regarded as a high misdemeanour and a sign of rebellion. In consequence of those proceedings and of his disobedience, an officer of the Government, supported by a force composed of Native troops and White Volunteers, was sent to him with the view of inducing him to obey the summons, and, that attempt failing, of compelling him to do so. The force was divided into different parties, in order to surround the Chief and his followers. One of the parties came upon a portion of the tribe driving cattle away from the British territory. The officer in command commenced a parley with them in order to induce those Natives to return and again place themselves under British authority. They seemed inclined to obey; but they managed to prolong the parley for two hours, and during that interval got an increased number of the Chief's followers into a commanding situation. This accomplished, they, without warning, suddenly and treacherously fired on the officer and his party, killing five of the latter and wounding him. After that open act of revolt, of course there was nothing left for the Governor to do but to put down the rebel-

lion by force. The hostilities which ensued were only of short duration, and they ended in the driving of the rebellious party out of their strongholds in the Colony, and by the active co-operation of the Cape Government and of a subordinate Native tribe, the Chief and some of his principal followers were made prisoners beyond the frontier. Governor Pine then proceeded to try Langalibalele according to Kaffir law. Having been adjudged guilty, he was sentenced to transportation to Robben Island, and the Legislature of the Cape passed an Act to authorize his detention there. For his conduct in these transactions the Governor had been censured and recalled by the Secretary for the Colonies, and if he (Earl Grey) understood the Papers correctly, his noble Friend had arrived at this decision mainly on two grounds—first, that Sir Benjamin Pine had been too hasty in employing force against the Chief; and, in the next place, that justice had not been done to the latter in his trial and sentence. There were other points adverted to in the despatch of his noble Friend; but, as he felt the necessity of not taking up more of their Lordships' time than he could avoid, he would abstain from entering into them, and would confine himself exclusively to the two main points which he had just mentioned. On the first of these points, he submitted to their Lordships that his noble Friend had fallen into a mistake in attempting to review in this country the judgment formed by the Governor on the spot. Whether Sir Benjamin Pine was right or not turned on the question whether the Chief was or was not meditating rebellion when a force was sent to compel him to obey the Government summons. There could be no doubt that the Chief had declined to obey that summons more than once; there was no doubt that some of his excuses were false; and there was no doubt that in order to maintain the authority of the Government, it was absolutely necessary that the obedience of the Chief should be obtained either by expostulation or compulsion. So far his noble Friend and the Governor were agreed; but Sir Benjamin Pine and his advisers were convinced that the conduct of the Chief implied a determination to rebel which made it unsafe to temporize, while the Secretary of State had come to

an opposite conclusion, and stated in his despatch that he could not divest his mind of the conviction that, if greater pains had been taken to sift the matter, a more just conception would have been formed of the attitude of the Chief, and that by more conciliatory measures the fatal necessity of putting a force in motion might have been avoided. Now, in his (Earl Grey's) opinion, it was a great error on the part of his noble Friend to attempt on such a question as that to review the judgment arrived at by the Governor, and, for his own part, he declined to go into an examination of the reasons which influenced the Governor on the one side and his noble Friend and the Bishop of Natal on the other in coming to the opposite conclusion at which they had arrived. He declined to balance those conflicting reasons, because he was persuaded that the point was one on which it was utterly impossible that a sound judgment could be formed in this country. To enable one to form such a judgment required an intimate knowledge of Kaffir habits and manners, and a far more accurate knowledge of the circumstances than could be conveyed in written despatches. Even if all the facts could be made known to his noble Friend, there might be many of them which in England might appear insignificant, while they might be very significant in the mind of the Governor and others seeing matters on the spot. He said it was a great error of his noble Friend to question the judgment of Governor Pine and his advisers upon a matter of this sort; because he held that the judgment of a Colonial Governor under such circumstances should be accepted as right, unless there were some very strong reasons for believing that he had been wrong. There was this strong reason for adopting this as a general rule—that unless the Governor could act on his own judgment, with full confidence that he would be supported by the Government at home, unless he were manifestly wrong, it would be utterly impossible that a people like the Kaffirs could be governed with the firmness and promptitude that were required. With regard to any Colony, it was impossible to carry on its government efficiently from Downing Street, and too much interference from home with the measures of the local authori-

ties was always a mistake ; but in the case of a barbarous and warlike race like the Kaffirs to attempt to govern a Colony in that way could not fail to have fatal consequences. It was obvious that the Governor of such a Colony as Natal must be prepared to act with vigour in circumstances of emergency, if peace and the obedience of an almost barbarous people many times out-numbering the White population was to be preserved ; but how could you expect him to act with vigour if he knew that he could not be safe in taking decisive measures unless there was a case of necessity not only to satisfy his own mind, but also sufficient to satisfy an imperfectly-informed Secretary at some thousands of miles distance ? If Governor Pine was right in his view of the situation, and if the Chief was really plotting rebellion, immediate action was required. By this the mischief might be stopped at once—as it was—but if there was delay—if time were given to Langalibalele to go on preparing for revolt, and to gain adherents, and if other tribes were encouraged to join him by the apparent indecision of the Government, a formidable rebellion would have been likely to break out ; and, if so, though in the end it would have been put down, it could not have been so till much blood had been shed, and there had been a very considerable sacrifice of life on both sides, and a great destruction of property. He would remind their Lordships that in Natal the lives and property of a very large number of scattered settlers, whom it would have been impossible to protect, depended on the stifling of the rebellion. This had been pointed out in a very able paper written by the Treasurer of Natal. If once law and authority were set at defiance in that Colony, we should have to deal not only with the 300,000 barbarous and warlike Kaffirs within the Colony itself, but also with a large number of Chiefs and their tribes outside the Colony, who were in constant communication with the Kaffirs within, and whose love of war and plunder would be speedily excited by an outbreak in the Colony itself. The consequence might be a war of races, the results of which no man could foresee. Our policy in the case of such a Colony ought to be to support the Governor as long as there was no decisive proof that he was acting in

flagrant error. Was a man like Sir Benjamin Pine likely to act in that way ? He had been in office at Natal more than 20 years before, and his conduct here met with high approbation. From Natal he was transferred to other and most important posts on the West Coast of Africa and in the West Indies, and had throughout maintained his character as an able, energetic, and honest Governor, an able administrator, and one sincerely humane and very desirous to promote the civilization of the barbarous races. The present system of government in the Colony had been established for 30 years, and had been approved by successive Secretaries of State ; the Governor, therefore, was entitled to believe that it was his duty to adhere to it, and to take those energetic steps, without which, in his opinion, there was no doubt that the whole territory would have been in a state of rebellion. Then how was his conduct in respect of Langalibalele viewed in the Colony ? Why, the opinion of the colonists, including the missionaries, English, Scotch, German, and American, was in his favour—and some of those missionaries thoroughly knew the Colony from an experience of 30 or 40 years in Natal. They were well acquainted with the character and language of the Natives, for whose welfare they had shown the most praiseworthy devotion. These missionaries, with the exception of a few followers of the Bishop, had, in the strongest manner, expressed their approval of the conduct of the Government ; and at a meeting of farmers in the Colony, regret was expressed that the action taken by Sir Benjamin Pine had not been taken five months before, and the Natal papers which reached this country on Saturday last contained further expressions of opinion on the part of the colonists that the Governor was in the right. He ventured to ask whether, in the face of such a concurrence of colonial opinion on the side of Sir Benjamin Pine, it was wise in his noble Friend to assume that in spite of his well-known character and his reputation for sound judgment, the Governor was wrong in respect of this Kaffir Chief ? He was glad to observe that as regarded the proceedings which were adopted after hostilities commenced, and before the trial of the Chief, his noble Friend did not express any censure,

Earl Grey

and did not seem to think that the charges of reckless cruelty were well-founded so far as related to any officers of the local Government. It was not to be denied that some acts of cruelty had been committed, and, of course, those were to be regretted; but such acts were committed in wars in which the most civilized countries were engaged, and it was not to be wondered at that troops consisting of Natives, assisted by settlers who had wives and children and property in the Colony, should have done some cruel acts in the course of hostilities which had been commenced by murder and treachery on the part of the rebels. But for these acts no blame had been imputed to the Governor by his noble Friend the Secretary for the Colonies. What he condemned him for was his proceedings against Langalibalele and his followers after the revolt had been put down. As he had already stated, in accordance with Kaffir law that Chief had been tried by his superior Chief, whose summons he had disobeyed, and his noble Friend had declared, in the first place, that Langalibalele ought not to have been tried by Kaffir law; and, in the second place, that the sentence of detention for life in Robben Island was too severe. It appeared to him (Earl Grey) that his noble Friend, in objecting to Sir Benjamin Pine's having himself tried Langalibalele as his supreme Chief, and especially his having refused him the privilege of being heard by counsel, had fallen into the mistake of forgetting that our whole system of administering the law, and the technical rules by which it was governed, were only means adopted in order that justice might be done. They were, on the whole, well adapted to attain their end in our state of society, though even here it might be doubted whether the end was not sometimes sacrificed to the means, and whether a failure of justice did not occasionally happen from too rigid a regard for technicalities. Be that, however, as it might, he thought it clear that our system was not fitted for rude tribes in the very infancy of civilization. In such a state of society, a much rougher mode of proceeding worked better. Among the ancient nations of Palestine, they read in the Bible that the King sat in the gate of the city and judged his people; and, even up to the present time, in a great part of Asia, judi-

cial authority was in the same hands as executive power—the Kings and Chiefs were the Judges. This was precisely the Kaffir system; and, in his opinion, Sir Benjamin Pine had done wisely in adhering to it, and in himself judging Langalibalele his supreme Chief. That was wise, because it was of extreme importance that the proceedings in this case should be rapid; that they should be brought to a conclusion as soon as possible, and that they should be so conducted as not to cause unnecessary excitement among the Native population. If the trial had been conducted in accordance with English forms, with all the technicalities of English law, the proceedings would have gone on for a very long time, and in the end there might have been a miscarriage of justice, which would have been attended with the greatest danger. But if the Governor was to judge the culprit as his Chief, it would have been out of character with the whole proceeding to have allowed counsel to be heard in his defence. With regard to the refusal to hear counsel, on which so much stress had been laid, it ought to be remarked, too, that it was not so long ago that even, in this country, the privilege of being heard by counsel was first given to the accused in criminal cases. The Governor acted in the exercise of his discretion; and, whether he was right or wrong in the course he took, it was unfair to find fault with him for merely having followed what was an established custom of the Colony, unless it could be shown that in following it he had done some substantial wrong. There was all the less reason for finding fault with Sir Benjamin Pine on this ground, because three or four cases had previously occurred in which trials were conducted in accordance with the Kaffir law, and the Governor had not been censured in any one of those cases by the Secretary of State. And whatever opinion might be entertained as to the propriety of the mode of proceeding, could anyone say that owing to it, any substantial wrong had been done? Langalibalele had been taken in open and armed rebellion—about that there could be no doubt—and in the revolt several of our troops were killed. It appeared to him that even the Bishop of Natal confessed that there was an actual rebellion. He had read his very long, very confused, and very obscure state-

ment; and though he did not feel very confident that he understood it correctly; if he did, it did not amount so much to a denial of the rebellion as to an argument that Langalibalele had been driven into rebellion by harsh and unfair conduct on the part of the Governor, and that therefore the Chief was entitled to be treated with indulgence. This brought him to the last point in the case—that of the too great severity of the punishment. His noble Friend held that the sentence was too severe, or, in other words, that the plea set up on that head by the Bishop was just. He altogether dissented from that view of the subject; he believed that by every nation, and at all times, armed resistance to the Government had been considered as a great crime, for which death was the appropriate punishment—and justly so; because there was no crime which tended so much to the destruction of society and led to so much evil and so much misery. We might not feel the same detestation for a rebel as for an ordinary criminal, because his crime did not imply the same moral degradation as that of a murderer or a robber; but still, looking to the consequences of rebellion, by the common consent of all nations, no crime had been regarded as greater than that of armed resistance to the State. That being so, he would remind their Lordships that in this case the crime was not merely rebellion, but rebellion accompanied by treachery and murder committed under circumstances to which he had already called attention. The Bishop, however, contended—and he presumed that view was adopted by his noble Friend opposite—that the Chief himself was not responsible for the attack made upon our troops during the parley; and that he was at a distance from the spot at the time it was made. Having considered the whole of the circumstances of the case, he (Earl Grey) must say that though there might be no proof that it was done by his direct orders, it seemed impossible to believe that the treacherous onslaught did not form a part of the general plan of rebellion to which the Chief was a party. And even though he might not have had anything to do with the crime beforehand, it was asserted in the Papers, and he (Earl Grey) could not find that it was anywhere denied, that when those who had perpetrated the crime immedi-

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ately afterwards joined the Chief openly carrying the arms taken from their victims, he did nothing to show disapproval of their conduct, and allowed them to keep the arms they had thus obtained. By doing so, according to the principles not only of Kaffir, but of British law, the Chief became an accomplice after the fact in a most treacherous murder of British subjects, as well as having been guilty of rebellion. He (Earl Grey) held that if the Chief had been sentenced to capital punishment, and that punishment had been inflicted, no blame could justly have been passed on the Governor. But Sir Benjamin Pine believed that the peace of the Colony would be secured, and that a sufficient example would be made by inflicting a milder punishment, and he wisely as well as humanely determined to follow the precedent of what had been done, with the full approval of the Home Government in the case of Macomo, and he sentenced Langalibalele to detention for life on Robben Island. The Cape authorities concurred in that course, and on the advice of the Ministers, an Act was passed, authorizing the Chief's detention. His noble Friend the Secretary of State in the first instance doubted the legality of what had been done, but he had since recognized that it did not involve even any technical infraction of the law. He adhered, nevertheless, to the opinion that the punishment inflicted was too severe, and had announced his intention of advising the Queen to disallow the Act, though he had for the present postponed doing so. To disallow the Act, before some other legal provision had been made on the subject, would involve the necessity of giving liberty to Langalibalele, and that would, in his (Earl Grey's) opinion, be as dangerous as it was uncalled for. It was uncalled for, because for the reasons he had stated, he considered the punishment to which the Chief had been subjected, to be a lenient one under all the circumstances of the case. It would be dangerous in the highest degree, from the effect the liberation of that Chief would have on the minds of the whole Kaffir race. On that point he would call their Lordships' attention to the opinions expressed by persons of the very highest authority on such a question. Mr. Brownlee, one of the Ministers and Secretary for Native Affairs in the Cape Govern-

ment, said, in a Paper, dated January, 1875, that—

"In considering the effect on the Natives of the release of Langalibalele, it cannot be overlooked that he possesses even greater influence from his reputed powers as a magician than he does as Chief of a large and powerful tribe."

Their Lordships were doubtless aware that the belief in magic and witchcraft prevailed universally amongst the Kaffirs, and exercised a most powerful influence over their conduct. The most dangerous war of 1850-53 was brought about, as Mr. Brownlee observed, by the agency of a magician; and with reference to that well-known fact, he said that heavy floods last year in the Trans-kei district were attributed to the captivity of that Chief, and their continuance was predicted; the still greater floods which had occurred when Mr. Brownlee wrote would, he said, enhance his importance and confirm the predictions of last year, and he then proceeded to state that—

"All the Natives feel, and those friendly to us admit, that Langalibalele has received substantial justice. His release would be considered as a sign of weakness rather than as an act of clemency on the part of the British Government, and would be attributed to his power as a magician. His importance would thus be magnified in the eyes of all the Native tribes both in the Colony and in Natal. Their minds would become unsettled and our influence impaired."

Such was the opinion deliberately expressed by the Cape Secretary for Native affairs, of whose knowledge of the people, and ability, there could be no doubt. Another of the Cape Ministers expressed the same opinion; in a letter dated December 24, 1874, after observing that Langalibalele had deliberately defied the Government of Natal, and that had he not been made prisoner quickly, it was almost certain that very serious disturbances would have taken place among the Native tribes. Mr. Molteno added—

"With all the Native tribes the one opinion and idea is that this Chief has been checkmated and defeated in his purpose, and is now justly undergoing punishment; indeed, that he has been leniently dealt with. Should he now be released, the idea with these people will be that it is from fear and distrust on our part as to the success of our policy, consequently, our difficulties in the management of the Natives would be increased enormously, so much so, that it would be impossible for us to preserve peace and the satisfactory state of affairs which has now existed for the last 20 years and upwards, in which case the question would necessarily

arise as to whether the Home Government could leave us to ourselves, to bear the brunt of a policy essentially their own."

Their Lordships would not fail to notice the significance of the last words of the extract he had read from Mr. Molteno's letter. That country had now for some years acted on the policy of telling the Colonists that they must rely on themselves for protection, and that if another Kaffir war should come, they must not expect to be relieved from the necessity of providing for their own defence. He (Earl Grey) disapproved of that policy; but it had been adopted by successive Administrations; and, if it was to be adhered to, it surely would be, in the highest degree, unjust to use the power of the Crown—which was not to be exerted to protect the Colonists—in order to prevent them from employing the means they believed to be necessary to avert war with the Native tribes. Such a war, if it should once begin, could not be limited to one of the two Colonies, but would be sure soon to become a war of races, and to extend over the whole of South Africa. To take a step which involved the risk of causing so fearful a calamity would, in his opinion, be utterly unjustifiable, and it was that consideration which had induced him to make this Motion. Much as he disapproved of the policy of the Government, he might have abstained from bringing it before the House, if it had been irrevocable; but the Act had not yet been disallowed, nor the Chief released. The intention of disallowing it had been announced; but the carrying it into effect had been suspended, and he therefore asked the House to interpose its advice, and by an humble Address, to submit to Her Majesty the inexpediency of disallowing the Act of the Cape Parliament. He hoped that there might be no occasion for his pressing the Motion; he hoped that his noble Friend might be able to tell them that having already determined to delay the step he contemplated, to give time to the Cape Parliament to make some other provision with respect to Langalibalele, he would go a little further, and assure them that he would continue this delay until some arrangement had been made with the concurrence of that Parliament. Such an assurance would be perfectly satisfactory to him: he believed, indeed, that the place where the Chief was now detained was the best and safest that

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Their Lordships would not fail to notice the significance of the last words of the extract he had read from Mr. Molteno's letter. That country had now for some years acted on the policy of telling the Colonists that they must rely on themselves for protection, and that if another Kaffir war should come, they must not expect to be relieved from the necessity of providing for their own defence. He (Earl Grey) disapproved of that policy; but it had been adopted by successive Administrations; and, if it was to be adhered to, it surely would be, in the highest degree, unjust to use the power of the Crown—which was not to be exerted to protect the Colonists—in order to prevent them from employing the means they believed to be necessary to avert war with the Native tribes. Such a war, if it should once begin, could not be limited to one of the two Colonies, but would be sure soon to become a war of races, and to extend over the whole of South Africa. To take a step which involved the risk of causing so fearful a calamity would, in his opinion, be utterly unjustifiable, and it was that consideration which had induced him to make this Motion. Much as he disapproved of the policy of the Government, he might have abstained from bringing it before the House, if it had been irrevocable; but the Act had not yet been disallowed, nor the Chief released. The intention of disallowing it had been announced; but the carrying it into effect had been suspended, and he therefore asked the House to interpose its advice, and by an humble Address, to submit to Her Majesty the inexpediency of disallowing the Act of the Cape Parliament. He hoped that there might be no occasion for his pressing the Motion; he hoped that his noble Friend might be able to tell them that having already determined to delay the step he contemplated, to give time to the Cape Parliament to make some other provision with respect to Langalibalele, he would go a little further, and assure them that he would continue this delay until some arrangement had been made with the concurrence of that Parliament. Such an assurance would be perfectly satisfactory to him: he believed, indeed, that the place where the Chief was now detained was the best and safest that

could have been selected for the purpose; but if an Act should be passed by the Cape Parliament which, in its judgment, would secure the two Colonies from having their peace disturbed by Langalibalele, without keeping him in Robben Island, that would be quite enough; but, simply to disallow the Act, and thus make it necessary to release him, would be a course he considered so unjustifiable that he trusted his noble Friend would be able to assure them that it would not be adopted.

Before he sat down, he hoped he might be allowed to add a very few words on another point of great importance to the welfare of that interesting Colony, though it had no direct bearing on the Motion he had to make. He observed that in the despatches laid on the Table his noble Friend had told the Governor that he contemplated a great change in the policy hitherto pursued in Natal, and it appeared that one object of this change would be to break down the power of the Chiefs. That announcement alarmed him. Hitherto the policy pursued had been to govern the Natives mainly through their Chiefs. He admitted that that system was not in all respects satisfactory; it tolerated for the present the continuance of many evil customs and practices which we should all be glad to get rid of, and especially polygamy and the oppressive treatment of women by their husbands. These things had been allowed to go on, because it had been the opinion of the ablest servants of the Crown employed in South Africa, that an attempt suddenly and violently to change customs which had so long existed and had so strong a hold on the minds of the people, would do more harm than good. Unless a large number of efficient European officers could be sent out to work a new and better system of laws, and unless their authority could be supported by a large military force, England must for the present be content to govern Natal through the Native Chiefs and by Native laws and customs. Those laws and customs might be gradually and cautiously improved if peace and order were maintained, and all violence and bloodshed were sternly put down, as they had been of late years. Security and intercourse with a civilized race would by degrees create new wants among the Natives, and call forth industry to supply them;

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in the meantime, the efforts of the missionaries and the increase of education would produce their effect on the rising generation, and the habits of civilized life would grow up among them. Facilities also might be given to those of the Natives who desired to withdraw from their tribes and settle among the Colonists under the same laws and with the same rights as the Whites. That was the policy which for nearly 30 had been pursued, and though improvement had not been so rapid as might have been desired and expected—in some degree owing to the continued influx of additional immigrants from the surrounding tribes keeping up the element of barbarism—still it had not, on the whole, been unsuccessful—peace and friendly relations between the White and coloured races had been maintained. Industry had begun to increase, and European implements of industry were coming into use, while education was extending among the young. The first steps of civilization, which were the hardest, had been made, and every year that went by the progress was likely to be more rapid, as the number of White inhabitants increased, and the means of communication were improved—as it was to be hoped they would be—by railways. More had been probably accomplished than if the Government had attempted to go faster, since it was not enough that changes in the laws should be good in themselves—to be really useful they must be fitted to the people among whom they were to be introduced. He therefore looked with apprehension to what had been announced as to the intentions of the Government, and especially with regard to the attempt which it seemed was to be made to break down the authority of the Chiefs. He hoped his noble Friend would be very cautious how he proceeded in that design, and that he would not forget that both in Africa and in New Zealand, the breaking down of the authority of the Chiefs from their contact with Europeans before there was anything to replace it, contributed more, perhaps, than any other single cause to produce the discontent and disaffection among the Natives which led to the calamitous wars with them in which we were involved. It was that experience which suggested the policy which had been pursued successfully in Natal, and he felt convinced it would be wise to

adhere to it, and that instead of attempting to break down the authority of the Chiefs, it would be better to regulate and control its exercise, and by degrees to convert them into paid and responsible officers of the Government. The first step towards that had been made by the practice which had been introduced of deposing any Chief who grossly abused his power, and appointing another in his place. By a different policy they might easily rouse their hostility, and if a war of races should once be kindled, civilization would be thrown back for generations. But that was a subject far too large to be fully discussed on that occasion, and he had to apologize to their Lordships for having made even these very imperfect observations upon it. He would now conclude by moving the Address of which he had given Notice.

Moved that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to allow the Act of the Parliament of the Cape of Good Hope, No. 3. of 1874, to continue in operation.—(*The Earl Grey.*)

THE EARL OF CARNARVON: My Lords, I certainly have no cause whatever to complain of my noble Friend who has brought forward this question—neither as to the time he has chosen, nor the manner in which he has discharged his self-imposed task. If, indeed, the policy of Her Majesty's Government is to be called in question, and if it be necessary that such a Resolution as this—which I beg your Lordships to observe is a direct censure upon the policy which has been pursued—should be seriously pressed, from no one sooner than my noble Friend would I be content to accept it. I say so for this reason—I know well that no personal feeling has entered into the question with my noble Friend, and that he has been actuated solely by a sense of public duty. In fact, if it were necessary that the question should be stated against the Government at all, it could not have been more fairly, clearly, or ably stated than by him. My noble Friend begun by reviewing the early history of the Colony. Into that I will not enter. I believe his statement of it is substantially correct. But when he comes to the later period in the transactions with the different tribes

I feel myself obliged, in some degree, to traverse the same ground, because, as your Lordships are aware, the same facts admit of very different colouring. It is because I look at the transactions which my noble Friend has reviewed from a very different standpoint from him that I am obliged in part to recapitulate the facts to which he has referred. My noble Friend stated, at the commencement of his speech, that the censure I had cast upon Sir Benjamin Pine fell under two heads—first, that he had acted too hastily, and secondly that the trial and the proceedings connected with it were wrong. Now, as to the hasty action, although I admit I have touched upon it in the despatches, I do not think it is a point worth discussing. Whether the action was soon or late is of comparatively little importance. But when I come to the proceedings themselves—to the trial and its consequences—I must join issue distinctly and completely with my noble Friend. I can hardly accept a single expression which he used in connection with that matter. Throughout the greater part of his speech my noble Friend begged the whole of the question at issue, and dropped words which, were I to accept them, would not only prejudice my case but absolutely cut the ground from under my feet. He spoke of doubts and suspicions, long entertained respecting this Chief and his tribe. If there were any such doubts and suspicions, why have they not been stated to us before? Why do we now hear of them in this House for the first time? I challenge my noble Friend to go through the Papers and point to anything relating to such doubts and suspicions, beyond the most vague and cursory allusion. There has never been any doubt expressed or any well-founded suspicion alleged in these papers from first to last. My noble Friend speaks of the defiance which this Chief gave when he refused to attend the summons of the Government. If the Chief had defied the power of the Government a great part of the case of the Colonial Office would have been gone. I contend that he acted entirely under the impulse of fear and panic. My noble Friend speaks of the affair as a rebellion. It is a mistake to characterize it as a rebellion. If it had been a rebellion I admit it should have been put down with a strong and high hand. But I believe it deserves

rather the name of a disturbance, which a few policemen would have effectually dealt with. And if it had been animated, as my noble Friend says, by motives of treachery, I fully admit that I should not have a leg to stand upon, and that a great part of what Sir Benjamin Pine did or sanctioned with regard to this particular Chief would have been only what the justice of the case required. But it is because I demur absolutely to the views expressed by my noble Friend that I propose to run over the main facts connected with these disturbances. The difficulty in question arose about October, 1873. It had a variety of causes, one of which was an unfortunate marriage law, which imposed a certain tax upon the number of wives which a Kaffir Chief might purchase and own. But it arose in a greater measure, I believe, from ordinances passed for the registration of guns. A large number of the Kaffirs in their dealings with the Whites were paid in guns instead of money, and these transactions seemed to be recognized by the authorities. At all events, when the Natives brought home the guns which were the price of their labour, the Natal Government summoned them to have those guns registered. In many cases the guns were brought in for registration. But I have to call your Lordships' attention to two important facts—namely, that sometimes guns which were taken away from the Natives for the purpose of registration were not returned; that the tribe of Langalibalele were guilty of disobeying the law in a lesser degree than other tribes, against whom no proceedings whatever were taken. My Lords, if it was fair to insist on the registration of guns in this tribe, obviously it was only fair to insist upon guns belonging to other tribes being registered also. This Chief it appears was summoned no less than three times. At first he made excuses; but subsequently, knowing that he had failed to comply with the law, and fearing the action of the Government, he fled, and his tribe fled with him. The Colonial authorities at once started a force of Volunteers in pursuit. They came up with the retreating tribe; a parley ensued, and then—not, as I conceive, by any premeditation or treachery—for of this there is really not a shadow of evidence—a gun was fired, an unfortunate panic seized the White Volunteers, Langali-

balele's men fired upon them, and in the fray five valuable English lives were lost. It was a deplorable event altogether; but I own I cannot see throughout these Papers any evidence of any premeditation, still less of any treachery such as my noble Friend has described. Scarcely had this affray occurred than the whole tribe seemed to be seized with panic, and again fled. They were pursued, the Colonial forces got up with them, and there was, I am afraid, a great deal of bloodshed. My noble Friend says I have failed to censure the Natal Government for what occurred at that particular time. When I reflect, however, on the difficulty of holding the Native auxiliaries in check, I feel I am not in a position to press that part of the case against the Natal Government. There was no wish or intention on their part to run to any excesses, and I prefer to draw a veil over proceedings which will not bear the light of day. For the next step in this unhappy business, Sir Benjamin Pine and the Natal Government are unquestionably responsible. The action was directed against the tribe, the tribe was broken up, its lands were harried, women and children were summarily expelled from their homes and placed in servitude, their property was confiscated by the State; and no less than £50,000 or £60,000 in cash was paid into the Colonial Exchequer. This was a severe punishment for a tribe which, so far as I know, had taken but little part in the disturbances. But the Natal Government went on to take proceedings against a neighbouring tribe against whom I am absolutely unable to find anything in the Correspondence involving guilt or complicity. The utmost I can discover as furnishing a reason why it was considered right to take measures against this tribe was that they had harboured some women or cattle of another tribe. The dispatch went on to say—although I am at a loss to follow the argument—that even under English law such an offence would make the offender amenable to punishment. This serves, at all events, to show the somewhat exaggerated view which, under the influence of the moment, was taken of the matter. Well, the next point of my noble Friend is the trial of Langalibalele. Langalibalele having been captured beyond the frontier was brought to trial. I cannot go into this part of the case

without pointing out how anomalous in many respects are the circumstances of that trial. The Court itself was a very singular tribunal. The head of it was Sir Benjamin Pine himself, the Commander and Chief of the Forces and Governor of the Colony, and who combined in his own person the position of Judge and prosecutor, he being, in order to sum up the anomaly, head of the Court to which an appeal would lie. Then came the heads of tribes which were hostile to Langelibalele, and who would naturally follow the ruling of the White Judges; and, in the next place, certain colonists formed part of the tribunal. Of them, however, I prefer to say nothing, except that it seems to me for the sake of appearances to be unfortunate that one of those White Judges should have been the father of one of the young men who had most unhappily lost his life on the frontier. It would, I cannot help thinking, have been more wise and more prudent—although I am sure no personal feeling was allowed to influence his mind—if he had abstained from sitting as one of the Judges in the case. Lastly, I may observe that to complete the anomaly, the members of the Court did not sit continuously, some coming and going throughout the whole trial, some sitting only part of the time, and others at other times. Thus much for the composition of the Court. But my noble Friend says that in the despatches contained in these Papers I have objected to the employment of Native law. Now, I never did anything of the sort. My objection was not so much to this Chief being tried under Native law as to his trial being conducted under a mixture of Native and English law. Therein consists, it seems to me, the gross anomaly of the whole proceeding. My noble Friend has pronounced a panegyric on Native law; but originally it was retained in the Colony on the understanding—firstly, that it was to be applied to Natives as between themselves, and, in the second place, that it was to be maintained only so long as was absolutely necessary, and that the moment a higher system could be attained it should pass away. In this case it was not applied as between the Natives themselves, for the issue was between Natives and Whites. Its application, therefore, was most preposterous and dangerous. I admit it is a very convenient weapon to

make use of, under certain circumstances, against the Native Chiefs, and Sir Benjamin Pine, being described by law as a Native Chief, is held to be absolute. But in a despatch written by my noble Friend in 1848, I find his definition of a Native as one who is ignorant of, and unfit by habit for, the duties of civilized life; so that your Lordships will at once see that Sir Benjamin Pine, being described by law as a Native Chief, answers the terms of one who is unfit by habit and ignorance for the discharge of those duties. But what, my Lords, I so much object to is not, as I said before, Native law, as the mixture of Native and English law. Let us have either one or the other. To have recourse to both is likely, I think, to be productive of unfairness, for it scarcely seems right when you fail to reach a man by Native law to have recourse to English law, and when you fail to reach him by English law to fall back upon Native law. One or two words more as to the Court and its procedure. One of the Native witnesses produced stated that the Chief ordered the messenger of the Government to be put to death; and it was no doubt believed that he had been stripped of his clothes, which would have been a great insult to the Government of Natal and a manifestation of the worst intentions. When, however, the matter was examined into it turned out that all the messenger had been compelled to do was to take off his cloak, and that upon the ground that on a previous occasion when the cloak was kept on a pistol had been used with serious effect upon the Natives. Yet upon that evidence in a great measure the prisoner was convicted. The next step in the trial to which my noble Friend alluded was, in my opinion, a fatal one. The prisoner was denied the assistance of counsel and never even saw the indictment against him until the very morning of the trial. His plea of "Not Guilty" was, moreover, construed by the Court as a plea of guilty:—and I am perfectly lost in astonishment to find that a tribunal, partly composed of English gentlemen, could have thus acted. The result of the trial was that the prisoner was convicted and sentenced to confinement for life. I was advised that that sentence was one which it was wholly beyond the power of that Court to pass, and that it was illegal. It was impossible to carry it out without having

recourse to the assistance and co-operation of the sister Colony. The Legislature of the Cape of Good Hope, with the best intentions of rendering assistance to a neighbouring Colony in what was felt to be a great and a critical difficulty, came forward and passed the Act to which my noble Friend referred, under which the prisoner was transported and confined on Robben Island; and although the actual confinement may be legal, the sentence to which that Act was afterwards applied is wholly and unquestionably illegal. It only remains to say, in conclusion, on this particular point that there was an appeal first to the Executive Council and subsequently to the Supreme Court, and that, as might have been expected, inasmuch as the Judges in each case were the same, the appeal was in each case dismissed. My noble Friend, among the charges which he has thought fit to bring against me, has not, I think, accused me of this, although I have been greatly accused of it in the Colony, and I wish to say one word about it. It has been said that I have acted hastily. My Lords, no charge could possibly be more unfounded. I can appeal to these Papers and to the whole of the facts of the case, which are in the recollection of all who have followed these transactions, to show whether I have at any time acted with haste. It was long before I brought my own mind to any conclusion on the subject. When, last year, I was strongly urged to lay all the Papers before Parliament, I declined to do so simply because I felt that the production of the Papers at that particular stage might give an unfair colour to these transactions. My Lords, I am in this difficulty—that if, as sometimes happens in correspondence, I have expressed a strong or, as my noble Friend says, a peremptory opinion, I am then told that it is Downing Street tyranny and oppression that is being revived. If, on the other hand, I endeavour to deal gently and considerately—as, for instance, in the despatch in which I announced to Sir Benjamin Pine that he was relieved of his duties as Governor—then I am told that I am so uncertain in my expressions that I do not know my own mind. That is rather hard; and an unfair dilemma in which to be placed. My noble Friend has more than once spoken of the peremptory tone of my

despatches. Now, I would rather be judged by these despatches than by anything I say here to-night, because they were written with the utmost care and consideration that I could give them, and, as far as I know, there is no expression and no word in them which I regret or am prepared to recall. I cannot for one moment lament having expressed my strong view of the illegality, of the unwisdom, of the injustice of those proceedings. I should have been unworthy, as it seems to me, to hold the Seals of the Colonial Office, if holding such an opinion I had refrained from giving expression to it. If there be any truth whatever in our theory and idea of Empire, surely it is in this—that the servants of the Crown are bound to have a conscience in this matter, and bound, also, to have a voice; and when an act of wrong or injustice has been done in any part of the Empire it is their duty to raise their voice in its condemnation. If the ties of the Empire really will not bear that strain upon them, then I say the whole Imperial theory becomes an absolute fiction, and worse than fiction. My Lords, I have been constantly accused—and there was much in what my noble Friend said which endorsed the charge—of having sacrificed the whole merits of this case to some notion of abstract justice. I can only say that I do not know where abstract justice exists. But if it is meant that I have sacrificed to some theoretical and fanciful notion of abstract justice what was expedient and practicable in this case, I utterly and entirely deny that allegation. I have thought all through of that which was expedient, and that which I believed was practicable; and my hope and belief is that when this question is brought to its final conclusion it will be found that the course which Her Majesty's Government has taken has not only been wise and safe, but also eminently founded on what was practicable under the circumstances. My noble Friend dwelt strongly, and most severely perhaps, on the utter impolicy and folly of which I was guilty in attempting to govern Natal from Downing Street. He asked how was it possible that any Minister sitting in Downing Street could be so conversant with all the details of Native affairs as to interpose in such a quarrel as this, and to issue a mandate deciding on the ques-

tion at a distance of thousands of miles? Surely my noble Friend must see that there is some limit to this argument, and if it is pressed home not only is there an end, as I have said, of all justice, of all right, of the expression by the Home Government of what they think to be just and right, but an end also of all that control which I hold it is the business of the Minister here to exercise. If you tell me, on a question involving the lives and property of 15,000 Natives, and also 15,000 of Her Majesty's subjects, where I believe, on good evidence, that wrong has been done, that injustice has been committed, that the Colony itself is placed in a dangerous position by that injustice, that I am not to pronounce an opinion in any degree affecting the decision of the matter, then I say you make the Colonial Minister a mere puppet, and the sooner you abolish the Colonial Office and the Colonial Minister the better. But I deny altogether that that is the case. There are many views which are best to be seen at a distance. It is not always those who stand close to mountains who really can take in their full proportions or distinguish their true character. While I admit that it is very difficult for a Minister here in England to be accurately informed of a thousand and one local details, it is, on the other hand, competent for him—and he is often best qualified, I think—to judge, being at a distance, of the broad outlines of truth and justice and of right and wrong. One of these days the Colony itself, I hope, will do me better justice than I have now received. At present this is the day of public meetings, of condemnatory resolutions, and I cannot expect at this moment very much mercy at their hands. Still, I think that as time goes on, under a calmer view of the circumstances, the colonists will feel that I have, at all events, been actuated not only by friendly feeling towards them, but by no desire to interfere in their local concerns more than was absolutely necessary to me as a responsible Minister of the Crown. My noble Friend dwelt with great force—and it had all the more force because it was done indirectly—upon the danger with which an unadvised step might precipitate such a Colony as Natal. He hinted in no doubtful language that, with the numbers, the strength, the power of organi-

zation which existed in the various tribes, the risk of any mistaken action now might involve us in trouble, and possibly in war. To whom does my noble Friend say that? Does he conceive that these dangers, these risks, could have for one moment been absent from my mind? I venture to say that no one in this House has thought of them more or more anxiously, more fully, and in every point of view, than I have endeavoured to do. There is not one single step that I have taken in which I have not endeavoured to the best of my judgment, knowledge, and ability to give them their due weight. When I urged on the Cape Government to allow the prisoner to locate, as it is termed, under certain restrictions, near Cape Town, it was with a view to those risks. When I recently advised Her Majesty's Government to send out a distinguished officer—but who goes there, not in a military, but civil capacity—it was with the same view to meet those risks. Any one who knows anything of the state of a South African colony, where we are in contact with large masses of the aborigines, must be aware that no matter of any importance can arise in that part of the world in which there is not or may not be the germs of serious danger. But I say it is no reason because there is danger for saying, as my noble Friend does by his argument, that you are bound to throw the whole control into the hands of the Local Government, and may yourselves dispense with the administration of those functions which reside in the Home Government, and so absolve ourselves from all responsibility as to the administration of justice and the rights and liberties of the nations over whom this country claims dominion. What, therefore, is my conclusion? It is this:—I have had to deal, first of all, with certain proceedings in Natal which I have already described; secondly, with the Act which has been passed by the Cape Legislature. As regards those proceedings in Natal, I have said it was impossible for Her Majesty's Government to accept them. We could not make ourselves parties to them. It was in their power to express the opinion they held, and as far as possible to find a remedy. But when you come to deal with the Act, that is altogether a different matter. Let me ask your Lordships to consider for one moment what

that Act was. The sentence which had been passed by the Natal Court was, I venture to say without fear of contradiction, not only unjust, but also illegal. Ignorant of that illegality and actuated by the best intentions towards a sister Colony, the Government of the Cape came to the rescue and passed that Act in order to give the power of transportation to Robben Island. The Act consequently gave effect to that which was an illegal sentence. Her Majesty's Government could not accept such a position. They proposed to the Cape Government the release of the prisoner; but, at the same time, conscious that there would be a risk in bringing him back to Natal, and desirous to avoid all possible danger, they proposed that he should be located—as the term is—somewhere in the neighbourhood of Cape Town, where he could be placed under surveillance. The Cape Government, while expressing anxiety to meet Her Majesty's Government in every possible way, argued that it would be difficult to impose such restrictions upon the prisoner when he was released as would give a security for his retention in that particular part of the country, and they urged—and urged in very reasonable language—that his escape beyond the Cape frontier, and his return to his own country and to his allies would be a fruitful source of danger. On these grounds they declined for the moment to give effect to my earlier despatch. My Lords, in a certain measure, as I think, I have shown that I can sympathize with the difficulties which the Cape Government felt:—some of the arguments, however, I cannot subscribe to. When I read in Sir Henry Barkly's despatch the observation that the disallowance of the Act might be construed as an improper interference with the self-government of the Colony, I confess I was at a loss to understand the argument. I believe it arose from a pure and absolute misconception of the facts—certainly from an entire misapprehension of the intentions of Her Majesty's Government. I think I have set that matter at rest. I have explained that there cannot be the slightest desire or intention on our part to interfere with the system established in the Colony, and have shown that the Cape Government themselves by passing that Act contributed in a certain degree to produce the present difficulty, and

therefore that it is only reasonable and fair they should meet us half-way and co-operate with us in seeking to arrive at a satisfactory settlement. My noble Friend urged that the disallowance of the Act might be fatal to the peace and safety of South Africa. I quite admit that if this man were released without any restrictions being placed upon him, there would be a risk of dangerous consequences. But I beg the House to observe that that never was our intention, and was distinctly stated in the last despatch not to be our intention. Her Majesty's Government have consented, indeed, that the Act should not be disallowed until legislative provision has been made as best it can for placing the prisoner under the restrictions which seem necessary. If the Cape Legislature could pass an Act for the imprisonment of this man, they can also pass an Act for surrounding him with such safeguards as the public security demands—there is no difficulty on that point: and when therefore my noble Friend asks what course Her Majesty's Government will take with regard to the disallowance of the Act, my answer is that I fully hope and expect that the Government and Parliament of the Cape will meet us half-way, and that, acknowledging the mutual and reciprocal obligations which in this as in many other things bind the Colony to the mother country, they will endeavour to meet Her Majesty's Government with the same good feeling that we are disposed to extend to them, and will at once consent to adopt the course of passing an Act which will surround this man with the proper restrictions after his release. If—what I believe to be almost impossible—the Cape Government should decline altogether to co-operate with us, then I can only say that Her Majesty's Government must take that most extraordinary state of things into their consideration, and act with reference to it according to the best lights they have. But I am bound to say at once that it is an entire mistake to suppose it possible for us to consent to the indefinite continuance of that Act, for it is an Act which clearly gives effect to an illegal and unjust sentence of perpetual imprisonment passed upon a man who is, after all, a British subject and entitled to all the rights of a British subject. I wish to add a few words with reference to the concluding

remarks of my noble Friend—which, as he himself acknowledged, travelled somewhat beyond the actual scope of his Motion. I quite admit that the question does not end with the mere release of Langalibalele. Matters must be placed henceforward upon a surer basis than they have been in the past. It was with that view that Her Majesty's Government sent out to Natal so able and distinguished a man as Sir Garnet Wolseley. I hope and believe that many changes in the Native law will be carried out, with the best possible results. But let me point out that there has been a great alteration in the state of affairs since the noble Earl was Colonial Minister. Let me remind your Lordships with whom we have to deal. First, there is the Cape Colony, with its responsible government. Next there is the Colony created and founded by my noble Friend opposite. Then there are two Dutch Republics, which are really united with us by many ties. Then there are districts such as British Kaffraria, governed by independent Chiefs; there are the Zulus; and lastly there is the colony of Natal. At the time my noble Friend was Secretary of State there were not, I think, 100,000 Natives in the Colony. Now there are between 300,000 and 400,000. The tribes live in a state of segregation, and are the centres of armed strength—it may be even of rebellion. Barbarous customs, which it was the intention 25 years ago gradually to get rid of, have been in some respects strengthened rather than weakened. In the interest both of the public safety and of civilization, it is important that this state of affairs should come to an end. Hitherto the interests and systems of all the States in South Africa have conflicted with each other. My wish is to see those interests and systems brought into greater unity. I desire, in the first instance, to see a greater development of those great resources which South Africa possesses. Secondly, I desire to see a uniform system adopted in these States, because as long as different systems exist among them there will be a perpetual source of danger. And, lastly, I look most earnestly to a better understanding being created between the two Dutch Republics and ourselves. I think it would be to the interest of all parties to concur in demanding that there should

be a better understanding and a more conciliatory course of action between those Republics and our Colonies. None of the great objects which I have indicated can ever be realized unless they are founded upon justice; they cannot rest on an Act which is tainted with injustice and illegality, and it is on that ground, and on that ground alone, that I must meet the Motion of my noble Friend with a direct negative.

THE EARL OF KIMBERLEY said, he could assure his noble Friend opposite and the House that he was far too sensible of the difficulties which surrounded Government at all times in dealing with the complicated affairs of South Africa to be desirous of saying anything which would create any addition to the embarrassment under which the noble Earl the Secretary for the Colonies laboured. He had read the Papers with great care, and he was obliged to say that he concurred in the main with the views expressed by his noble Friend (Earl Grey) as to the policy which had been pursued by Her Majesty's Government with regard to the matter which he had that night submitted to the consideration of the House. He could not concur in the proceeding of his noble Friend the Secretary of State with regard to this Act. He could conceive that his noble Friend should come to the conclusion that the policy pursued by the Natal Government ought to be to a certain extent revised; but he could not understand how his noble Friend could have proceeded to pronounce a decision without first adopting the very simple expedient of taking time to ascertain the views of the Cape Government. He might be quite wrong—and he should be glad if he was wrong to be set right—but his strong belief was that Her Majesty's Government had no power to direct the removal of Langalibalele from Robben Island to a place within the Cape Colony, with strong restrictions against his re-entering Natal. The present system of Government at the Cape by a responsible Ministry had been established but a short time: he believed that thus far it had worked well, but it was obviously especially necessary that Her Majesty's Government should do nothing which would weaken its authority. So far from doing this, however, the noble Earl, without first ascertaining whether the Cape Go-

vernment would assent to the course which he proposed, informed Langalibalele that he would be released from Robben Island, and caused to be issued a Proclamation in which he pledged himself that when released from the island, Langalibalele should not return to Natal. Further, the noble Earl seemed to have contemplated establishing the whole Amahlubi tribe in the place to which Langalibalele was to be transferred from Robben Island.

THE EARL OF CARNARVON said, the noble Earl had misunderstood the line of action which was contemplated. It was only intended that Langalibalele should be accompanied and surrounded by his immediate relatives and friends.

THE EARL OF KIMBERLEY said, his misunderstanding was due to the vague terms in which, unfortunately, the Proclamation had been drawn. He had no desire to suggest to the Cape Parliament that they should refuse to comply with the wishes of Her Majesty's Government, and he certainly hoped that a course would be taken in which the Imperial and Colonial Governments would be able to agree; but, at the same time he strongly deprecated the taking of any dictatorial course by the Home Government in reference to the Colonial Legislature. The inevitable result of such a course must be to land this country in responsibilities and possible consequences of no light description. The noble Earl who had brought this question forward (Earl Grey) took what seemed to be the correct line when he said that Parliament at home was scarcely competent to deal with questions involving such intricate local details of Colonial Government as were raised in the question before the House, although, no doubt, the Imperial Parliament ought to reserve to itself the right to review, and, if necessary, to revise the decisions arrived at by Colonial Governors and legislative bodies in Crown Colonies, such as Natal. His noble Friend the Colonial Secretary contended that it was begging the whole question to say that Langalibalele had been guilty of a great crime; and further he said that the Chief in running away acted simply from fear. This, however, was not nearly the whole of the offence that was charged against him. A charge having been made against Langalibalele and his tribe, the Chief was called upon to answer it, in

accordance with the whole sum and spirit of Kaffir law and tradition, which held the Chiefs of tribes responsible for the acts of their subjects and followers. The noble Earl himself admitted that a serious crime had been committed, and added that his recommendation to the Queen to remit the punishment was based upon the fact that, in his opinion, the sentence was too severe. The noble Earl himself said in his despatch—

“For this, which he (Langalibalele) knew to be a serious crime according to all the conditions and usages of his tribe, he was deservedly and justly punished.”

And no one could doubt that he had committed a serious offence. He was legally summoned by the Supreme Chief the Governor, to appear at the seat of Government; he did not appear to give any account of his proceedings, and having treated the messenger sent to him with indignity, a force was sent to compel him to appear. This force was attacked by some of the Chief's followers and five men were slain. Having made the despatch of this force necessary by his disobedience, he must be held to be guilty of the murder of these five British subjects. By the whole system of Kaffir law and tribal relations the Chief was responsible for the acts of his followers; and Langalibalele had not only permitted his men to keep their arms, but had identified himself with them after this most treacherous murder. His noble Friend (the Earl of Carnarvon) held that the trial to which the Chief was subjected was not a fair one. Now he quite admitted that Sir Benjamin Pine would have been better advised if he had simply dealt with the case by his authority as Supreme Chief administering Native law; but, at all events, the intention of Sir Benjamin Pine was that the trial of the offenders should be made more full and fair than they were entitled to by adding to the Native law—to which they were amenable—some of the forms and procedure of the English Courts. So that, in truth, no injustice had taken place in respect of these proceedings, for all the changes that had taken place were in extenuation and mitigation of the Native procedure. It was not difficult to imagine a more perfect legal system under which the trial could have taken place; but the only course open to Sir Benjamin Pine was to administer to the best of his abi-

lity the law as he found it. It was said that the sentence was illegal; but, if so, how would it be cured by the substitution of an Act, as suggested by the noble Earl, for confining Langalibalele on the mainland for the Robben Island Act? The noble Earl who had introduced the subject (Earl Grey) had laid down the policy that it was exceedingly undesirable that the Crown should be advised to set aside the Acts of Colonial Governments. In this principle he (the Earl of Kimberley) concurred. He held that it was not desirable to interfere with the discretion and judgment of those on the spot, unless a very clear case indeed was shown that they had committed a serious error. In this case he did not think that it could be shown that any such error had been committed. He thought that with a smouldering state of rebellion in the Colony the Government of Natal were justified in calling upon Langalibalele to give an account of his actions—that when he did not respond to their orders they were right in sending a force to coerce him—that when they had sent that force and it had been treacherously fired upon they had no alternative but to follow him; and that, having captured him, they had no alternative but to try him, and that the sentence passed upon him was not too severe. So far as the Chief was concerned he (the Earl of Kimberley) did not think the punishment either unjust or excessive; but he was ready to admit that the Government had punished the tribe too heavily—it would have been sufficient to punish the ringleaders. He also agreed with the noble Earl (the Secretary of State) that the punishment inflicted on the Putili tribe was not justifiable: it was only fair, however, to the Natal Government to remember that even before they received an intimation of the noble Earl's opinion they had taken steps to remedy this injustice by replacing the tribe in its location. No doubt some cruelties had been committed. They must, however, make an allowance for a population of 15,000 or 16,000 White people placed amid 300,000 Natives; and though things had been done in hot blood which were to be regretted, no cruelties had been committed in cold blood. He would say nothing of Sir Benjamin Pine's merits, as he was responsible for his appointment, except that he believed him

to be a singularly humane man; but with regard to Mr. Shepstone he was a man who for many years had conducted successfully the most difficult relations with Native tribes that existed in any part of the world. Mr. Shepstone approved and counselled every step of Sir Benjamin Pine; and would it be believed that, having been the prime counsellor in these proceedings, and the Governor having been recalled the Imperial Government sent out another Governor, with instructions that he was to rely on the advice and assistance of Mr. Shepstone. He (the Earl of Kimberley) did not wish to say anything unkind of the Bishop of Natal; but when he read his confused, illogical, and unfair pamphlet, and when he set against it the opinion of Sir Benjamin Pine, Mr. Shepstone, and Sir Henry Barkly, he was surprised that his noble Friend should have acted simply on the views of the Bishop. [The Earl of CARNARVON: No, no.] His noble Friend had taken the precise course which the Bishop of Natal recommended. In a preface to his pamphlet the Bishop suggested that Langalibalele "may be suffered to retire into private life under proper surveillance for a time." So much was the Bishop carried away by his feelings that he could not find in his pamphlet a single word of regret for the murder of the White men; and though he (the Earl of Kimberley) did not wish to make that an accusation against the Bishop, who was certainly actuated by perfectly pure and honourable motives in the course he had taken, he complained that this matter should have been judged on the views of the Bishop, to the neglect of the views of other persons more competent to form an opinion. He trusted that his noble Friend would be able to reconcile his action to the Cape Government, and he hoped that the Cape Government would look at this matter calmly, and remember that any dissension between the Colonial and Imperial Governments could not tend to their benefit. He hoped also that Her Majesty's Government would be able to find a way out of the difficulties in which they were involved, and would greatly rejoice if this affair should lead to no further embarrassment.

THE LORD CHANCELLOR: My Lords, I feel as much as any of your Lordships the necessity of upholding

the Government of this country, and of strengthening the hands of those who administer public affairs in our distant Colonies. I sympathize as much as anyone with what I believe to be the feeling of our fellow-countrymen who are in the Colony of Natal—a small handful of Englishmen in the face of an overwhelming Native population. I sympathize in their anxieties, and in what cannot be described otherwise than their natural apprehensions, lest anything should be done to endanger their position in the face of tribes with whom their relations are so often unsatisfactory. This is a subject on which, however, I feel unable to keep silent. I should be ashamed to occupy the place I have the honour to hold, if I did not protest against the observations which have fallen to-night from the two noble Earls who support this Motion. England exercises too wide a sway, has too large an Empire, and interests much too high at stake, to allow or tolerate that which is an absolute and thorough injustice to be perpetrated with impunity in any part of her dominions. I will show your Lordships that this is no question of technicality; no question on which a quibble can be raised as to what was the law under which the prisoner should be tried. It is not a question which can be slurred over and buried, or with regard to which we can say—"Well,"—to use the expression of the noble Earl who spoke last—"it was not satisfactory, but after all the man who was tried was a very bad man, and if he had not committed the offence which he did, he would have tried to do something else; so the best thing we could do was to confine him." England, my Lords, cannot afford to hold language of that kind, or to shrink from expressing its approval or disapproval of an act done under the authority of one of its colonial Governors. And when I hear that any statesman can approve what has been done in this instance, I can only express my most unfeigned astonishment. I ask your Lordships to consider for a moment what is the state of the case. I am not going to enter into some of the acts charged against this Native Chief, which, according to the law, were punishable, or into what the exact amount of punishment to be assigned to them should be. I believe him to have been rightly accused of not having obeyed the sum-

mons to appear before his Chief. I am not going to dispute that he was in fault when he proceeded to withdraw his cattle and the members of his tribe across the frontier. But the great offence on which he might most properly have been convicted in proper form was that he was said to be guilty of the murder of five men, who were killed in the collision between the troops of the Colony and his tribe. Now, what occurred was as follows:—This tribe was believed to be retreating with their women and children across the frontier. Their Chief had not attended when summoned; and for that reason the Governor proceeded to undertake against the tribe what he calls in some places a proceeding to arrest the Chief, but which was in reality a military operation. I do not complain of the Governor for undertaking that operation; but it was a military excursion in pursuit of a warlike tribe engaged as I have described. It was, under the circumstances, all but inevitable that a collision should occur. So the Governor thought; but he issued the very prudent and humane order that his troops should not be the aggressors. The Chief of the tribe, Langelibalele, had gone forward with some advanced portions of it; they had crossed over the border, and were not on the spot where the collision occurred. That is proved by the evidence of the Government of Natal itself. A parley was held, but without effect. Meantime a sudden panic arose among some of the troops, engendered, as is stated by the Governor, by the cowardice and folly of one of the Volunteers. He called out that the troops were surrounded, and a retreat at once commenced. Then it was that—obviously without any premeditation—the firing took place on the retreating body of soldiers, ending in the very disastrous result of the death of five men. Now, I do not say one word as to what should be the punishment of a person actually engaged in such a transaction; but to make a man who was miles distant, and who could know nothing of what was going on behind him, responsible for the murder of these men is, according to any idea of law which we have, out of the question. It is said that because, at a later period, when Langelibalele was arrested there was in his company a man who was present when the occurrence took place,

he must on that ground alone be held responsible, is simply absurd. Now, I beg your Lordships to consider what was done on this occasion. In the first place, let me advert to the Judges before whom Langelibalele was tried. I do not, let me at the outset observe, concur in the criticisms which have been made on the fact that the Governor was at the head of the Court, for under the Colonial Act it was provided that a fit and proper person should be appointed. But one of the five Judges was the father of one of those who had been killed at the collision while in command of some of the Volunteers. What, I would ask, would be thought of English justice, if the father of a man said to have been murdered was appointed to try a prisoner accused of the crime? Is it possible that noble Lords can stand up in this House and say that this is a matter of no importance—a mere matter of form—and that that opinion is to go forth to our Colonies as our idea of English justice? Is there not, I would ask, a Supreme Court in Natal? I want to know if this prisoner was to be tried by an admixture of English and Native law, why was it that the Judges of the Supreme Court were not associated with the others in the trial? What reason could there be except that the ingredient of law was to be excluded from it? But that is by no means all—worse remains behind. Let us see what occurred at the trial. The Governor explained to the tribunal what they were to do. "We are assembled," he said, "to try Langelibalele for the greatest crime a human being can commit against society—for rebellion against the authority of the Queen." He then goes on to say that while the Court was willing to give the prisoner the benefit of an inquiry according to Native law, they would temper that law as much as possible with mercy. "We are Christian men and live under a Christian dispensation." Well, the prisoner is called upon to plead—the forms of English law being thus resorted to—and his plea, which the Court construed into a plea of guilty, is the longest I have ever seen, for it occupies more than a page. But it was in reality a plea of not guilty. The prisoner's plea admitted some of the facts stated, but alleged that if the prisoner's view was right, the conclusion drawn from them was entirely erroneous. It was a plea which

the youngest magistrate in this country would immediately have ordered to be entered as one of not guilty. But it was taken at once as a plea of guilty; and, thereupon six of these impartial Judges—Native Judges—pronounced judgment.

"Mafingo (one of these Judges) said that among Natives there would be very little talk over such an offence as this. The prisoner occupied the position of a dog, which if it bit its master would be killed with little consideration . . . and 'his conduct had disgraced every black man in the Colony and made every native feel resentment towards him.' Another (Nondonise) said 'no black man, no white man, but lifted up his hands in amazement at the course he (Langelibalele) had pursued.' Another native Judge (Manzele) concurred in all that had been said and felt that if he said anything he would be only needlessly taking up the time of the Court."

So that you commence with an allegation of not guilty being entered as a plea of guilty, and then you have six of the Judges pronouncing sentence on that plea of guilty. The prisoner was then removed. The Court re-assembled next day—and will your Lordships believe what happened? The night, I suppose, had been spent in considering a little the position in which they stood, because on the Court meeting again it is said, "The Court will now proceed to hear evidence." Will your Lordships believe that this occurred in a British Colony among sane men, professing to administer law and English justice? It is said that they met "to place on record the extent of the prisoner's crime." The second day they spent in taking evidence, after the man had been pronounced guilty. On the third day a complete change of scene occurred. The Court re-assembles and the Lieutenant Governor says—"I wish, before we commence business to-day, to state that I have determined to allow counsel to the accused in the person of an European advocate." The Lieutenant Governor went on to say emphatically that this was not allowed in any Kaffir Court, that it must not be taken as a precedent, which would be a dangerous thing in the Colony and that he was only induced to permit it on that particular occasion, on account of the importance of that trial in the view of the public; that although it was contrary to Kaffir law and usage, he was going to allow a European advocate "to say what he can fairly and justly say for the prisoner." That is the promise made. If it had come a little earlier, it

might have been pretty well. But they finished the evidence without the presence of the European advocate, who was not sent for and who was apparently to come in at the close as a sort of ornament. At the end of the third day they thought they would ask the prisoner whether he should like to have counsel. The prisoner said he should, and he left it to his Excellency's discretion whether it should be a Kaffir or an European counsel. Mr. Escombe was the gentleman who was to act as counsel for the prisoner and he applied to the Resident Magistrate, the proper person, for permission to see the captive. What could be the use of counsel if he was not to be allowed to see the man he was going to defend? That permission was, however, refused. Is that English justice? What happened next? When the Court re-assembled on the fourth day the Governor said—

"I stated at our last meeting that we intended to allow counsel to appear for the prisoner, and we selected Mr. Escombe for that purpose. Mr. Escombe, on being informed that this Court was of a peculiar nature and jurisdiction, and that he must confine himself within certain limits, could not accept the duty, and I think properly. He said that as an English counsel he must ever be at full liberty to say or do what he liked, or he could not take up the case at all, and therefore he had declined; but looking at the peculiar character of this Court, and its being so directly contrary to Kaffir usage, custom, and law to allow counsel, I made up my mind that it would not be desirable to allow or ask any one else to say anything or act for the prisoner; he could only say something in extenuation of the guilt of the prisoner because he had admitted it."

Counsel must not say his client was not guilty; he could only be allowed to extenuate his guilt. Was there ever anything written in the wildest novel equal to that? The prisoner was taken to have pleaded guilty when he pleaded not guilty; yet he must be tried all the same. The evidence was heard, and after it had been taken counsel was to be called in for the prisoner. The Governor then said counsel could not be permitted to say anything, except in extenuation of the prisoner's guilt, because he had confessed it; and then his Excellency observed—"We shall be as merciful as the circumstances permit of." The very Governor who had invited counsel to come, who had begged him to come and "say what he fairly and justly could say for the prisoner," after-

wards shuts his mouth and says he must not open it in favour of the accused because he has pleaded "Guilty." Was there ever anything that had darkened the annals of British justice like that? And is this what Her Majesty's Government at home are to wink at and slur over, and say we must not look at or criticize because it happens thousands of miles away, and therefore we are not able to pronounce an opinion upon it? This, the noble Earl says, is what Parliament and the British public are to accept without remonstrance. But the matter does not stop there. Mr. Escombe is not heard; and at a later period, after the Governor had had the benefit of the remarks of my noble Friend the Secretary of State for the Colonies, he said on this point himself—

"There is much force in your Lordship's objection to our not allowing counsel for the prisoner. Looking at the question as it is regarded in England, and from a purely English standpoint, I regret that we did not allow counsel. But so far as the administration of strict justice is concerned, I feel certain the prisoner would not have benefited by the concession, but rather the reverse."

According to the noble Earl (Earl Grey), we are not to take any notice of that. Well, my Lords, the trial went on, and further witnesses were examined: and here is the account of the close of the fourth day. His Excellency says—

"Before I go away I want to say one word with regard to the speeches the Chiefs made to me on the first day of the trial."

It is obvious that even in the Colony itself it was matter of observation that it was Jeddburgh justice to pronounce the decision first and examine witnesses afterwards. His Excellency went on to say—

"Some fault has been found with their giving their opinions at that stage by persons who do not exactly understand the usages and customs of the Kaffirs."

I suppose, indeed, that the Kaffir nation is the only one in the world where such usages as those here brought before us could prevail. But I thought this was a Christian trial, or one, at all events, tempered by the usages of Christianity. From the Kaffir point of view it is true what was done may have been quite right. His Excellency proceeds—

"Langalibalele has confessed his guilt,"—I have not found where he did so. "Langaliba-

lele had confessed his guilt, and stated circumstances which he considered were an extenuation of his guilt, and according to Kaffir law and usage the trial was over. In their point of view the Chiefs were quite right, and I thanked them for the opinions they gave. All the subsequent proceedings which have taken place are in conformity with our own ideas of justice."

I must demur to that. Standing here, I say those proceedings were not in conformity with our ideas of justice; and I want it to go forth that your Lordships are not of opinion that they accord with our ideas of justice. In no part of the world can a colony thrive which holds that proceedings such as those are in conformity with enlightened principles of justice.

"We wanted," continues his Excellency, "to find out what extenuating or mitigating circumstances there might be. That would not have occurred in a strictly Kaffir court; but, according to our own notions of justice and propriety, we thought it proper to go and ascertain any circumstances which might mitigate or extenuate his conduct."

Again, on the fifth and sixth days witnesses were examined. Then we come to the judgment—and I want your Lordships to understand exactly what the Chief was sentenced for. The heads are as follows:—

"1. The prisoner has for a considerable time past set at naught the authority of the magistrate to whom he was immediately subject, in a manner not indeed sufficiently palpable to warrant the use of forcible coercion according to our laws and customs, but perfectly clear and significant according to Native law and custom.

"2. The prisoner has at least permitted, and probably encouraged, his tribe to possess themselves of firearms and to retain them, in direct violation of the law. On this point the evidence is clear and precise.

"3. It also clearly appears from the evidence that, with reference to the unlawful possession of these firearms, the prisoner set the authority of the magistrate at defiance, and on one occasion insulted his messenger."

With regard to the insult to a messenger, had an advocate been permitted to appear for the prisoner he would have pointed out a circumstance which in this country would have been fatal to this charge—namely, that of the two messengers, both of whom gave evidence, one spoke of the insult and the other said not a word about it. The judgment proceeds—

"4. It has further been brought to light that after the Supreme Government had been called upon by the magistrate to support him, the prisoner set even that authority at defiance by refusing to appear before it; excusing his refusal by evasion and deliberate falsehood, till at last,

emboldened, as it would seem, by the extreme forbearance of the Government, he insulted their messengers sent to deliver to him a message full of mercy as well as justice.

"5. We come now to the final stage of the prisoner's proceedings. It has been proved that he directed his cattle and other effects to be taken out of the Colony under an armed escort, thereby manifesting a determination to resist the Government with force and arms. Now, on this subject the Court wishes to remark that, according to Native law, as administered under the Native Chiefs, the mere removal of a tribe with its cattle out of the jurisdiction is an act of treason and rebellion. This law has been so far recognized by this Government that it has always been in the habit of giving up cattle brought into the Colony by refugees; but it has not given up the people, on the intelligible ground that it has no means of judging by itself how far the people may have been guilty of treason, except by such act of removal. But this Government has never recognized the mere act of such removal as an act of treason, if unaccompanied by any criminal acts; and it cannot be too clearly understood that any tribe in this Colony is at liberty to remove itself and its cattle out of our jurisdiction if it does so peaceably and with the cognizance and previous consent of the authorities. The case before us, however, is quite different. It is that of a tribe flying from the jurisdiction, after having set the authority of the Government at defiance, and thereby endangered the peace of the country. We come now to the affair at Bushman's River Pass. A great deal has been said upon this subject, in the Colony and elsewhere; but all we have to do with it is to look at the evidence submitted to us as it concerns the prisoner. It has been proved that a force sent by this Government, under Major Durnford, to intercept the prisoner's tribe and prevent them from leaving the Colony, met at or near the Bushman's River Pass with a portion of the tribe, under the command of the Induna Mabuhle; that Major Durnford entered into a lengthened parley with that Induna and members of the tribe, in which he earnestly and for some time endeavoured to persuade them to return to the Colony and to their allegiance; that the Induna and those with him led Major Durnford to believe that they would consider his injunctions, and so prolonged the interview till they had brought up an additional force. It appears that then, after many threats and insulting gestures and language, the tribe fired upon our forces and killed five of the Queen's subjects, who were doing their lawful duty by attempting to support Her Majesty's authority. It is needless to say that this act of firing on the Queen's forces, even had they, in obedience to authority, opened the fire, amounted in the eye of the law to rebellion and murder. But to fire on Her Majesty's forces and to kill her subjects, who had not thought it right to commence firing, and whose leaders were trying their utmost to avoid the shedding of blood by an appeal to reason, was wilful and deliberate murder. The law of England declares that any person who in committing any felonious act causes, even accidentally, the death of another is guilty of wilful murder. The next question is, who committed this act of rebellion and murder. It was proved in evidence that the

Induna Mabuhle commanded the portion of the prisoner's tribe at the pass, and, therefore, presumably commanded them to fire. He is, then, the immediate traitor and murderer. But, now comes the inquiry, in what relation did this Induna stand with respect to Langalibalele? It has abundantly been proved by the evidence before us that Mabuhle was one of the most trusted, perhaps the most trusted, of the prisoner's Indunas; that he always formed part of any important mission sent by the Chief to the magistrate. It has been further proved that he took a prominent part in the communication which latterly took place between the prisoner and the Secretary for Native Affairs. But, more than all, it has been admitted by the prisoner himself that Mabuhle was the commander of the military portion of his tribe; in fact, as we should say, Commander-in-Chief of his army. It has been proved and admitted that the prisoner himself was, at the time, actually with that portion of his tribe who were some distance in front; that is, that he was personally with the armed array which was leaving the Colony, of which array the divisions under Mabuhle formed a part. It has further been admitted by the prisoner that the killing of the Queen's subjects was reported to him by a messenger sent to him by this same Induna Mabuhle. Lastly, it has been proved that this Mabuhle was in company with Langalibalele when he was taken prisoner. Thus, in every way, before and after the fact, the prisoner was identified with the actual perpetrator of the murders, so as to render him as directly responsible for those murders as if he had himself commanded on the spot."

That is to say, that a man who was in front of a retreating force is made answerable for shots fired by men in the rear with whom he had no personal communication. Then comes an important part of the judgment—

"6th. The charge against the prisoner of treasonable communication with others out of the Colony has not been inquired into, in consequence of the length of time which it would take to collect evidence, and also because, in the presence of the grave charges proved against him, it was not thought necessary to press this charge. On all the other charges we find the prisoner guilty. The prisoner Langalibalele, therefore, appears before us convicted on clear evidence of several acts, for every one of which he would be liable to severe punishment under the Native law; for some of them he would be liable to forfeit his life under the law of every civilized country in the world."

For which of these offences would he be liable to forfeit his life under the law of every civilized country in the world? The concluding passage is—

"Our unanimous judgment, therefore, is that the prisoner Langalibalele, the late Chief of the Hlubi tribe, is, under the law which we are bound to administer, liable to the punishment of death; but, taking into consideration the extenuating circumstances alluded to, and giving them the greatest and fullest force, and also the punishment he has already undergone by de-

position from his office and confiscation of his property, we sentence the prisoner to banishment or transportation for life, to such place as the Supreme Chief or Lieutenant Governor may appoint."

Add to this that the sentence was perfectly illegal—the Governor had no power of transportation—there was no law in the country which empowered him to transport the prisoner. Are we to overlook that? Are the Government at home so weak, powerless, and paralyzed that they are to allow this gentleman—of whom I must speak with the greatest respect as a man of experience and ability—to carry out an illegal and unjust sentence, merely because the place is some thousand miles away? What is Sir Benjamin Pine's own view of the proceedings, as expressed in a despatch of the 24th September, 1874? He wrote—

"The trial, so called"—so called!—"of Langalibalele, commented on by Mr. Advocate Moodie, was not a trial of a prisoner in the ordinary sense"—I quite agree with him there—"but was an inquiry to ascertain the whole circumstances of the case and its ramifications so far as other tribes were concerned."

If that was the nature of the proceeding they were holding, they were not trying Langalibalele at all, they were only investigating some historical circumstances to ascertain the relationships between certain tribes. I only wish if this be so they had not issued that illegal sentence. I should be surprised to hear anyone say that at this so-called trial, justice was administered as it is in this country. The only other matter referred to by the noble Earl (Earl Grey) was the phraseology of the despatch of the Secretary of State with regard to the colony of Cape Town. I see nothing whatever in that. The Secretary of State was justified in saying that this sentence could not be supported and that the clemency of Her Majesty must in some form or other be extended to the prisoner. I do not in the slightest degree wish to suggest that this man was not a very troublesome Chief, or that he did not commit an offence for which he ought to have been punished; but it is a different thing to say that a trial such as this was, for an offence such as alleged, followed by a sentence such as I have described, is a thing to be desired.

LORD SELBORNE said, he agreed with his noble and learned Friend who had just sat down that the proceeding

against Langelibalele in no respect deserved the character of a judicial process. It violated, in the several ways which he had pointed out, not only the rules of judicial proceedings as observed in this country, but those necessary to give any such proceeding the character required by the rules of substantial justice. But, when this was most fully admitted, it appeared to him to go but a very short way towards the decision of the present question, which really depended, not upon forensic, but upon political considerations. Granted that there had been no trial, in any proper sense of that word, and therefore no judgment founded upon a proper trial. But it did not follow from that, that what was called the sentence in this case, was therefore illegal and void. That question, as the Papers showed, was brought in a formal and legal manner before the Supreme Court of the Colony, and the Supreme Court of the Colony—from whose decision on that point, if wrong in law, an appeal would doubtless lie to Her Majesty in Council in this country—determined that there was nothing to show that what was done might be warranted by the powers of the Native Chiefs, and, under the circumstances, held that there was no law in force in the Colony enabling any Court of Law to interfere with the execution of the sentence. No doubt it had been pronounced by a political authority in the exercise of arbitrary powers. No doubt it was impossible, with any propriety, to apply the term law to the proceedings under which this Chief was sentenced—still he (Lord Selborne) was not able to follow the proposition that the order for his banishment was altogether *ultra vires*. As a sentence of an Executive Government armed with arbitrary power, it appeared to have been supported by a legal decision in the Colony, and until the Court of Appeal in this country should have otherwise determined, he, for one, must hesitate to express a confident opinion as to the illegality or incompetency of that sentence. Indeed, but for the speech of the noble and learned Lord, he should have supposed that this was the opinion of the Secretary of State for the Colonies himself. The noble Earl the Secretary for the Colonies in his despatch had stated that the punishment was excessive, and ought to be mitigated. But if the sen-

tence was altogether illegal and unjust, it would necessarily follow that no punishment whatever ought to be inflicted. How, if he regarded the sentence as simply illegal, could the noble Earl consistently treat the case as one for mitigation of punishment, and not for total remission? Upon the general merits of the case, he was far from differing with his noble Friend the Secretary of State. He agreed with him in wishing that further means had been used to test the good faith of Langelibalele before such strong measures were taken against him. He agreed in wishing that the most lenient measures possible might have been, and might still be taken, as far as the safety of the Natal and Cape Colonies would allow, with respect both to the Chief and his tribe; and he agreed in thinking that the severities practised against the other—the Putini tribe—were unjustifiable. On the other hand, he thought, as the Secretary of State did, that Langelibalele was confessedly guilty of some serious political offences; and his noble Friend seemed to him to be quite justified in dealing with the whole case upon its merits as a political one, and of looking calmly at all the facts as far as they could be ascertained, apart altogether from the abuse of the forms of legal proceeding which had followed upon the commission of the offences. He regretted, however, that, under the circumstances, his noble Friend had not communicated with the Cape Legislature before forming and publicly announcing the decision at which he had arrived—because it was above all things necessary in a case like the present, that there should be co-operation and agreement between the Imperial and Colonial Governments. But as matters now stood, he could not vote for the Motion of the noble Earl (Earl Grey), if for no other reason, because it was not possible to know what was now passing in Natal, and while their Lordships were addressing the Crown with a view to the continuance of the Act, the coming mail might be bringing to this country—as he sincerely hoped it might bring—a decision of the Cape Legislature in favour of some alternative course which would have the effect of reconciling the existing differences.

LORD STANLEY or ALDERLEY said, that Governor Pine, whose judgment had been praised so much, and

which, it had been suggested, was to over-ride that of the Colonial Office, had when on the West Coast of Africa projected an expedition through Central Africa, and, he believed, had been censured by either the noble Earl (Earl Grey) or by the late Secretary of State for the Colonies. He was certain that he had incurred the ridicule of the leading journal for his proposal to carry the British flag in triumph through Central Africa. The noble Earl (Earl Grey), in his speech introducing the Motion, had begun by speaking of the imports and exports of Natal, and the interests of the Colonists; but, except by using the words "rebellion of the Kaffirs," he had said nothing which showed that Her Majesty was Sovereign of the Kaffirs as well as of the Colonists, and therefore owed them also justice and protection. A circumstance similar to that now under discussion had taken place in the Algerian Colony of France. In 1862 the French in Algeria attempted to deprive the Arabs of their lands; but the Emperor appointed a Commission to report to him, and on the receipt of their report he quashed the attempts to deprive the Arabs of their land, saying that in Algeria he was as much the Emperor of the Arabs as of the French. The consequence was that out of gratitude to the Emperor the Arabs remained quiet during the Prussian war. Her Majesty's Government would not have to regret having done justice upon this occasion.

THE EARL OF BELMORE said, that if any fault had been committed in this matter by the Government of Natal, he should be much disposed to think that the fault rested not so much with the Governor, Sir Benjamin Pine, as with some of the subordinate officials, on whose information and advice he had acted. He would say nothing as to the legality or illegality of the trial, but what struck him most forcibly was the anomalous nature of the whole proceedings. But while he refrained from commenting upon the result, as far as the sentence was concerned, he wished with regard to the subsequent proceedings to call attention to the appeal brought before Sir Benjamin Pine under the 10th section of the Ordinance of 1849. On that part of the case he must express his regret that the Governor in Council, sitting as a kind of Court of Appeal, had confined

himself solely to the evidence given on the first occasion, in accordance with the practice of English Courts of Appeal, instead of admitting anything which would have been adduced in the prisoner's favour. But supposing that the whole proceeding was irregular altogether, how was the Secretary of State to investigate a sentence that was altogether illegal? If the sentence was illegal, as was contended, it could not be mitigated, but must be remitted altogether; and this course, as he understood the matter, was to be followed in the present case. He did not understand that the Government proposed to give an absolute pardon, but that the Chief would be permitted to return to the colony and set at freedom, such precautions being taken as might be necessary to prevent his return to that part of Africa in which his influence with the Natives might be used against British rule. He was, further, glad to know that Her Majesty's Government intended to make certain alterations in reference to African customs where British rule prevailed. He hoped these alterations would reach the practice of polygamy and the custom of magistrates assigning wives to the Natives whether they liked them or no. He commended the appointment of Sir Garnet Wolseley to the governorship, in succession to Sir Benjamin Pine, as one which was likely to lead to the best results. Sir Garnet Wolseley had a great reputation. He would be sure to act with decision if the occasion required it, and he would be almost quite sure to be supported by public opinion at home in doing so. He referred to the opposition which had been made at the Cape to the action of his noble Friend (the Earl of Carnarvon). Although he had great respect for public opinion there, yet Colonial public opinion was apt to be influenced by prejudice, and he hoped that when the Colonists came to re-consider the very courteous request made to them for assistance in carrying out his noble Friend's views, they would see their way to falling in with his wishes. It was his opinion that the Government had adopted the best course that was open to them under the circumstances.

LORD DENMAN said, that the noble Lord, who had last occupied the Wool-sack, had abundantly proved that the banishment of Langalibalele was lawful,

Lord Stanley of Alderley

and he himself had been told of the commutation of his sentence, and had gladly accepted it. He (Lord Denman) believed that the Parliament of Cape Town would gladly aid the Government in finding a suitable locality for the banished man and his family. He found in the Papers presented to this House that the presiding over the Court of Appeal by the Governor had been compared to, and justified by, the worst sort of case that could arise in an appeal before their Lordships; but he (Lord Denman) believed that the debate would do a great deal of good, inasmuch as it would prove to the Colonies that they might always rely upon their affairs receiving a full and fair discussion in the Imperial Parliament.

EARL GREY, in replying, observed, that he had never contended that the Secretary of State was always bound to accept the judgment of Colonial authorities, or that their judgment might not in many cases be properly overruled by the Government at home, but that in cases where a knowledge of local circumstances was required—in such a case, for instance, as that of Langalibalele, which they were now discussing—where the Colonial authorities had the best means of knowing the truth, and where instant and prompt action was required, a Colonial Governor ought to be supported by the Home Government, unless it could be clearly shown that he was in the wrong. With regard to the trial of Langalibalele, he entirely agreed with his noble and learned Friend near him (Lord Selborne) that it had been a great mistake to mix up two things so inconsistent with each other as an act of authority of a Kaffir Chief and a trial according to the practice of an English Court—that made the proceedings of the trial a perfect mockery, and Sir Benjamin Pine would much better have dealt with the Chief according to his own judgment as Supreme Chief. Still, in spite of this error in the form of the proceeding, substantial justice had been done, and that was what was really important. The objections taken by the noble and learned Lord on the Woolsack to the infliction of a just punishment, because the culprit had not had a chance of escape by a trial conducted with all the technicalities of English law, were like the objections of a professional sportsman to the shooting

of a fox without giving him a fair run for his life. He begged to remind the noble and learned Lord that there were cases in which a fox was so dangerous that any mode of killing him might be resorted to. In the present case, the lives and property of the colonists of Natal were in danger from a person who was beyond all doubt a rebel; and, under all the circumstances, he maintained that the action of the Colonial Government was perfectly justifiable. As to the Motion, after what had fallen from his noble Friend behind him he would consent to withdraw it provided the noble Earl opposite would assure the House that he did not contemplate the unconditional discharge of so dangerous a person as Langalibalele, and that his liberation would be accompanied with such restrictions as would prevent him from inciting the Natives to rebellion, and thus causing a serious disturbance.

THE EARL OF CARNARVON said, he could give no more distinct assurance on the subject than that which he had already conveyed to the House. He wished, he might add, further to state that he had not, as was by some supposed, acted in the matter on the advice of Bishop Colenso. Both Dr. Colenso and Mr. Shepstone had come to this country, and he had had the advantage of hearing from them both sides of the question before he came to a decision upon it; but, as a matter of fact, the conclusion at which he had in the first instance arrived was substantially that which he afterwards adopted, which clearly showed that he had not been influenced by what Bishop Colenso had urged. As to Mr. Shepstone, of whose great experience he had the highest possible opinion, he had consulted him on the various questions of Native policy. He found, he might add, that that gentleman concurred generally in his views, and had promised, so far as lay in his power, to carry them out in the Colony.

Motion (by leave of the House) withdrawn.

RAILWAY TRAINS REGULATION BILL [H.L.]

A Bill for regulating passenger accommodation in Railway Trains—Was presented by The Lord REDESDALE; read 1^a. (No. 50.)

PUBLIC ENTERTAINMENTS (HOUR OF OPENING) BILL [H.L.]

A Bill for amending the Law relating to houses of public dancing, music, or other public entertainment of the like kind in the cities of London and Westminster—Was presented by The LORD STEWARD; read 1^a. (No. 51.)

House adjourned at Ten o'clock,
till To-morrow, half
past Ten o'clock.

HOUSE OF COMMONS,

Monday, 12th April, 1875.

MINUTES.]—SUPPLY—considered in Committee—Resolutions [April 9] reported.

PUBLIC BILLS — Ordered — First Reading — Seal Fishery (Greenland) * [117].

Second Reading — Pier and Harbour Orders Confirmation (No. 2) * [113].

Committee—Artizans Dwellings [1]—R.P.

Committee—Report—Explosive Substances [76-115]; Merchant Shipping Acts Amendment * [4-116]; Public Health (Scotland) Provisional Order Confirmation (Nos. 1 and 2) * [92-93]; Local Government Board's Provisional Orders Confirmation (re-comm.) * [112].

COMMITTEE ON PUBLIC PETITIONS—

**THE QUEEN v. CASTRO—
PETITION FROM PRITTLEWELL.
REPORT.**

SIR CHARLES FORSTER brought up a Special Report from the Committee on Public Petitions as follows:—

"Your Committee having had before them a Petition from Prittlewell and neighbourhood, presented to the House on the 6th day of this instant April, relating to the Trial at Bar, in the Court of Queen's Bench, on the Indictment of The Queen versus Castro, for Perjury, think it proper that the said Petition should be brought to the notice of the House, as containing offensive imputations upon the Lord Chief Justice and two of the Judges of the said Court, and reflecting, in an unbecoming manner, upon the Speaker, and the proceedings of the House.

"The House, while respecting the constitutional rights of Petitioners, has guarded against the abuse of those rights; and it will be for the House to judge, in the present case, whether the Petition be one, which, according to the Rules and practice of the House, can properly be entertained."

MR. DISRAELI moved that the Special Report should be taken into consideration on Thursday next, at half-an-hour after Four of the clock.

Motion agreed to.

**MISCELLANEOUS ESTIMATES—THE INDUSTRIAL MUSEUM, EDINBURGH.
QUESTION.**

MR. McLAREN asked the First Commissioner of Works, On what grounds the completion of the Industrial Museum in Edinburgh has been indefinitely postponed, by the omission from the Miscellaneous Estimates of the usual grant of £5,000 for building purposes; and, whether this omission will be supplied when any supplementary estimates are brought forward?

LORD HENRY LENNOX: Sir, I am much indebted to the hon. Member for Edinburgh for giving me an opportunity of removing the natural misgiving which exists in that city on the subject; and I am happy to assure him that there has never been any intention on the part of the Government to act in the manner suggested in his Question. The omission of any sum for the purpose in this year's Estimates was owing to the fact that the arrangements for the construction of the west wing were not sufficiently advanced to enable the Government to insert any sum. If necessary, a Vote can be submitted hereafter in the shape of a Supplementary Vote, and in the meanwhile I beg the hon. Member to believe that I will use my utmost efforts to remedy the delay which has taken place, and for which I fear I must admit I was partly to blame.

ARMY—MILITIA ADJUTANTS.

QUESTION.

COLONEL LEARMONTH asked the Secretary of State for War, If, under the new system, the retirement of Adjutants of Militia will be commutable?

MR. GATHORNE HARDY: Sir, the Commutation Commissioners act under instructions from the Treasury, and, as they have commuted the retired allowance of several adjutants, no doubt they will continue to do so.

ARMY—THE MERTHYR VOLUNTEER RIFLES.—QUESTION.

MR. MACDONALD asked the Secretary of State for War, Whether it is true that the locks have all been taken off the rifles which are used by the Volunteers of the Merthyr district, county Glamorgan, South Wales; whether they

have been removed out of the county; whether the same thing was done during a dispute in respect to wages between the mine owners of the district and their employes in 1872 and 1873; and, whether he will state by whose orders these acts have been carried out, if done?

MR. GATHORNE HARDY: Sir, in reply to the first part of the Question of the hon. Member I have no information on the subject. I have endeavoured to obtain information; but I do not know whether such a thing has been done on this occasion or not. It certainly has not been done by any orders of the War Department, for no one in that Department knows anything about it. It appears that in February, 1873, during a strike in South Wales, directions were given by the War Department to the general officer commanding the district to have returned into store any arms or ammunition in the places named which were not in a secure place. The locks were to be taken off and the bayonets to be removed.

MR. MACDONALD said, he would renew the Question on Friday.

HIS HIGHNESS THE GUIKWAR OF BARODA — PROCEEDINGS BEFORE THE COMMISSION.—QUESTION.

MR. SULLIVAN asked the Under Secretary of State for India, When it is his intention to lay upon the Table of the House Copy of the official reporter's notes of the Evidence lately given before the investigation or trial of certain charges against his Highness the Guikwar of Baroda; and, whether it is his intention further to lay before this House a Copy of the Proclamation or Order of the Governor General of India suspending the Guikwar from the exercise of authority in his own territory?

LORD GEORGE HAMILTON: Sir, the Secretary of State for India will, as soon as possible, lay before Parliament the Papers relating to the appointment and proceedings of the Commission referred to in the Question. Those Papers will give the hon. Member the information which he seeks. I take this opportunity of stating that a large mass of Papers relating to the proceedings of the first Commission appointed to inquire into the administration of the Baroda State have for some time past

been in the hands of the printers, and will shortly be distributed to hon. Members.

INTERNATIONAL OBLIGATIONS—
GERMANY AND BELGIUM.

QUESTION.

MR. OWEN LEWIS asked the First Lord of the Treasury, If it is true that a menacing note has been addressed by the Prussian Government to the Belgian Government, referring, amongst other matters, to the liberty of the press in Belgium, and calling upon the Belgian Government to alter the laws of their country; if any communications upon the subject have been received from the British Minister at Brussels, or any instructions sent to him by Her Majesty's Government; and, if so, if he will lay such Correspondence upon the Table of the House; and, as Great Britain has formally guaranteed, in conjunction with the other great powers of Europe, the neutrality and independence of Belgium, what steps it is the intention of Her Majesty's Government to take, diplomatic or otherwise, in fulfilment of that guarantee, should Belgian independence be imperilled in consequence of rejecting the demands of Prussia?

MR. DISRAELI: Mr. Speaker, I would venture to observe that, I think as a general rule, in Parliamentary Questions, and especially in questions connected with Foreign Affairs, we should be careful not to avail ourselves of the opportunity of using epithets entirely uncalled-for and unnecessary. Epithets in Questions are generally, I may say, always useless, and may lead to misconception. In the present case, Her Majesty's Government have no information whatever of a "menacing" Note having been addressed by the German to the Belgian Government. This is a subject, on which there is a great deal of misrepresentation and exaggeration. In the first place a considerable time has passed since a Note was addressed by the German Government to the Belgian Government. It was at the commencement of February—I think on the 3rd; and it was not a menacing Note, but a Note of remonstrance. Now, a remonstrance does not, I conceive, by any means involve menace. On the contrary, one element of remonstrance may evince a friendly disposition, and we all

know that a “friendly remonstrance” is a phrase often adopted in discussing subjects. This remonstrance was addressed by the German to the Belgian Government, on the 3rd of February, and it was replied to by the Belgian Government at the end of that month—I think on the 26th. Her Majesty’s Government became acquainted with these two Notes, the Remonstrance and the Rejoinder, through the action of the German Government. The German Ambassador, by the instructions of his Government, made Her Majesty’s Government, in confidence, acquainted with those two Notes, and we at the time appreciated that act, and still continue to appreciate it, as an evidence of the cordial and confidential relations which subsist happily between Her Majesty’s Government and the Government of Germany. No answer whatever has been made to the Rejoinder by the German Government. The Rejoinder having been made on the 26th of February, we are now advanced in the month of April, and we consider, and I believe those who are competent to form an opinion upon this question also consider, and have considered for some time, that this is a question which is concluded. The hon. Gentleman continues by asking me whether—

“As Great Britain has formally guaranteed, in conjunction with the other Great Powers of Europe, the neutrality and independence of Belgium, what steps it is the intention of Her Majesty’s Government to take, diplomatic or otherwise, in fulfilment of that guarantee, should Belgian independence be imperilled in consequence of rejecting the demands of Prussia?”

Now, Sir, as a general rule—and I think the House will support me in the position I take—it is not expedient or necessary that the policy of Her Majesty’s Government, whoever forms that Government, should be declared upon a hypothetical statement. But I will so far deviate from the strict course taken on such occasions, certainly, as to say that if the independence and neutrality of Belgium were really threatened, we should do our duty to our Sovereign, and not be afraid to meet Parliament.

ARMY—MILITIA ADJUTANTS.

QUESTION.

MR. LOCKE asked the Secretary of State for War, Whether, taking into

Mr. Disraeli

consideration the length of service of the majority of the Adjutants of Militia, and that the present scheme for their retirement is virtually a compulsory one, he will grant such Adjutants the honorary rank of Major on retirement?

MR. GATHORNE HARDY, in reply, said, he thought that the retirement scheme in question could hardly be called a “compulsory one,” and good compensation was given to those officers who retired. He could not give the assurance asked for by his hon. Friend, but no doubt the case of those officers who had served a long time would be deserving of consideration.

IRISH SALMON FISHERIES—LEGISLATION.—QUESTION.

THE MARQUESS OF HAMILTON asked the Chief Secretary for Ireland, Whether it is the intention of the Government to bring in a Bill this Session with regard to the Irish Salmon Fisheries; and, if so, whether it is proposed to make any change in the Law relating to Fixed Nets?

SIR MICHAEL HICKS - BEACH: Sir, some suggestions having been made as to the amendment of the law relating to the Irish salmon fisheries, I referred them to the Inspectors of Fisheries for their report. That, however, cannot be made for some time, the Inspectors being occupied in other duties. When I do receive their Report I fear it will be too late to propose new legislation this Session, even should it be thought necessary. But considering the many abortive attempts to carry out alterations of the law upon this subject during recent years, I do not think it would be any disadvantage to the Irish salmon fisheries if they should for a certain time be left without any fresh legislation. I may, however, say that the Inspectors do not recommend that any change should be made in the matter referred to in the latter part of the Question.

ARMY—THE “HIMALAYA” TROOPSHIP —THE 75TH REGIMENT.—QUESTION.

MR. O’CONOR asked the Secretary of State for War, How soon the detachment of the 75th Regiment, which left the Cape on board the “Himalaya” troopship in the early part of January, is likely to reach England; whether it is

true that in consequence of defects in the machinery of that vessel she broke down several times during the voyage, and had at all times to proceed at a very slow pace; whether it is true that messages were sent from Madeira requesting another ship to be sent in her place, which request was refused; whether the troops then went on to Gibraltar where they were disembarked and placed in huts, without protection from the severity of the weather, and without more clothing than was necessary for them in the comparatively warm climate they had left; and, what steps have been taken for bringing them home, and who is responsible for the efficiency of the ships engaged in transporting Her Majesty's troops?

MR. GATHORNE HARDY: I fear, Sir, I must apologize to the House for the length of my Answer, which I have derived from the Admiralty, who supply transport for the Army. A detachment of the 75th Regiment, consisting of six officers and 250 men, left the Cape in Her Majesty's Ship *Himalaya* on the 2nd of February last—not early in January—and arrived at Gibraltar on the 9th of March. On the 18th of March two officers and 100 men were transhipped to Her Majesty's Ship *Tamar*, and arrived at Queenstown on the 26th of March, where they joined the headquarters of their regiment, on board Her Majesty's Ship *Simoom*, and landed at Belfast on the 31st of March. Four officers and 150 men were landed at Gibraltar on the 18th of March, and on the 2nd of April they embarked in the *Paraguay*, hired steamer, for conveyance to Ireland. This ship arrived on the 11th in Ireland, and the detachment of the 75th has been disembarked. About the 12th of January, at the Cape, "a fracture was discovered in the fore part of the after crank pin," but, after full investigation, it was not considered of such a nature as to make the voyage home with troops in any way hazardous, but merely to render the precaution of reduction of speed desirable. On the homeward voyage the *Himalaya* called at Ascension, St. Vincent—February 24, whence the captain reported proceedings by telegraph—and Madeira, reaching that island on the 5th of March. These stoppages, however, were merely precautionary and for the purposes of communication, and not on account of

"breaking down." Between the Cape and St. Vincent steam power only was used, strong head winds being experienced, and the duration of the voyage—22 days—did not much exceed that of an average passage, though greater than the *Himalaya* under other circumstances would have occupied. No application for assistance was made by Captain Grant, but having reported from St. Vincent that the fracture had slightly increased, he was informed that he would find Admiral Symons with the Channel Squadron at Madeira, by whom convoy would be furnished. The four officers and 150 men disembarked at Gibraltar on the 18th of March were placed in huts protected from the severest weather, where they remained until the 2nd of April. During this time not a man was sick, nor was a complaint made. These troops had the same cloth tunics with them which they would have had on landing at home, the serge frocks being of a thinner texture. The *Paraguay* steamer, has, as already stated, brought the remainder of the detachment to Ireland. The Admiralty is responsible for the efficiency of Her Majesty's troopships or hired vessels conveying troops, subject to the inspection by a mixed board of officers as to the accommodation provided for the troops.

CAPE OF GOOD HOPE.—QUESTION.

MR. W. M. TORRENS asked the Under Secretary of State for the Colonies, If there is any objection to lay upon the Table a Despatch of the 18th August 1866, or about that date, from Sir Philip Wodehouse to the Secretary of State, regarding the distress prevailing at the Cape of Good Hope, founded upon certain communications from the Consul General of the Sublime Porte in that Colony, together with the Reply of the Secretary of State?

MR. J. LOWTHER, in reply, said, there would be no objection to produce the despatch, if the hon. Member would move for it.

ARMY — RECRUITING — THE DEPARTMENTAL COMMITTEE.—QUESTION.

MR. CAMPBELL - BANNERMAN asked the Secretary of State for War, Whether the Departmental Committee which, when moving the Estimates, he

informed the House that he had appointed to consider the questions of recruiting, reserves, and desertions has yet reported; and, if so, whether the Report will be presented to Parliament and circulated before the 20th instant, for which day notice has been given of a Motion on the subject of recruiting?

MR. GATHORNE HARDY: Sir, the Committee I spoke of was a Departmental Committee, and not, therefore, one of a public character. It has reported to me, but its opinion is confidential. When I have got the appendices to that Report, I shall look through them to see if there be any new facts which I can state to the House; but I should not consider it consistent with my duty to bring the confidential Reports of my Department before the House.

METROPOLIS—STREET TRAFFIC— HYDE PARK CORNER.—QUESTION.

MR. ADAM asked the First Commissioner of Works, Whether any steps are to be taken to ease the block of traffic at Hyde Park Corner; and, if so, whether he will state what is proposed to be done?

LORD HENRY LENNOX: I fear, Sir, that my Answer to the Question of the right hon. Member will be longer than is thought convenient for Ministerial replies. Shortly before I took office, the right hon. Member himself was good enough to explain to me the way in which he would have attempted to relieve the block of traffic at Hyde Park Corner; and, coming from so high a quarter, I gave my very serious consideration to the scheme in question. It proposed to throw the foot pavement in front of the Wellington Arch into the carriage-way, and to construct a foot pavement where the small gardens now are on either side of the archway. The width of the present roadway is 80 feet, and this would have added to it 18 feet, or the width of two lines of carriages; but while the already wide thoroughfare was to be thus widened, the narrow channel of Grosvenor Place would have been left as it is, and I feared, therefore, that the addition of these two strings of carriages to the road at Hyde Park Corner would only have aggravated the difficulty. Besides that the gardens in question form part of the Green Park, and I have no right to appropriate them

Mr. Campbell-Bannerman

for a public footway. For these reasons, among others, I was unable to adopt the suggestion of the right hon. Member. The evil existing at Hyde Park Corner is very great, but the difficulties in the way of improving matters are equally great. I received several suggestions upon the matter, and after much consideration I was of opinion that the best plan would be to make a road following the line of the present footpath across the Green Park from Hamilton Place, passing under Constitution Hill, and coming out in Grosvenor Place, nearly opposite to Halkin Street. A model was prepared of this; but, from unavoidable circumstances, I was unable to exhibit it until within a few days of the close of the Session. Very few hon. Members, therefore, were enabled to see it; and the Government, in consequence, thought that for that and other reasons, it would be unadvisable to expend the necessary sum of money without having directly obtained the approval and sanction of Parliament. That model, however, with the drawings and inclines, will, by permission of the authorities of the House, be again placed in one of the Committee Rooms, and I shall be grateful if hon. Members will do me the favour of inspecting it, so that when the question is brought on in the House, they may give their opinion as to whether the proposed plan is not the best to remove or palliate an acknowledged and growing evil.

PARAGUAYAN LOAN—COMMITTEE ON FOREIGN LOANS—SIR HENRY JAMES.

PERSONAL EXPLANATION.

SIR LAWRENCE PALK: Mr. Speaker, I feel great pain, Sir, in having to bring under the notice of the House a matter which I am sorry to say is of a personal character, and there can be nothing more distasteful to me than to trouble the House with any matter of a personal description. I have therefore to ask most respectfully for the indulgence of the House in bringing the matter before them. On Thursday last I felt it my duty to put a Question to the hon. and learned Gentleman the Member for Taunton (Sir Henry James), of which I not only gave him private Notice, but also the usual Notice in accordance with the Rules of the House. The question was to this effect—I asked

him whether he had appeared before the Lord Chancellor in a legal proceeding relating to the Paraguayan Loan. The hon. and learned Gentleman answered—

“On the 15th of December, 1874, I had to appear as counsel in an interlocutory motion before the Lord Chancellor and Lord Justice James, sitting as the Appellate Court in Chancery. I believe the main object of the suit was to enable certain persons to recover a certain sum of money from other persons for work and labour done in relation to the Paraguayan Loan; and the interlocutory proceeding in which I appeared was for the purpose of determining whether certain witnesses should be examined in private or should be examined in public; that was the only manner in which I was concerned—the only proceeding in which I had to take any share or part. With the main purpose of the suit I had nothing to do. At the time, I had no intention of moving for a Select Committee on Foreign Loans. Before the sitting of Parliament, and when I determined to bring the question forward, I caused the retainer I had received in that suit to be returned, and I have taken no part nor share, directly or indirectly, as advocate or counsel, in that suit or any other connected with it.”

Well, Sir, that language conveyed to this House and to me the impression that that was the only suit in which the hon. and learned Gentleman was engaged; but it so happens that before I put that Question to him, I received evidence which to my mind was conclusive, that he had been engaged in another suit or action in which he received a fee of £132. On Thursday, therefore, when the hon. and learned Gentleman made this statement, I was very much inclined to get up and state what I am now stating to the House; but I felt that his declaration was so explicit, that either I must have made some mistake in the Question I had placed on the Paper, or that my information must have been incorrect. I therefore consulted with some friends, and finding that the evidence I relied on was such as would justify me in placing another Question on the Journals of the House I did so, and gave the usual Notice, both public and private. It so however happened—and I must apologize to the House for the circumstance—that I was unable to attend in my place upon Friday last, and consequently I telegraphed to my noble Friend the Member for King's Lynn (Lord Claud Hamilton), requesting him either to put the Question as I had given Notice of it; or, if it were possible, to postpone it

until to-day, that I might be in my place to put it myself. Under those circumstances, on Saturday as I returned to London, I was very much surprised to read the Answer of the hon. and learned Gentleman. He said—

“I have to thank the noble Lord for having acceded to my request [that the Question should be put at once], and I am quite sure that the absence of the hon. Baronet the Member for East Devonshire is attributable only to unavoidable circumstances. I must, however, repeat I do regret that he should have thought it necessary, after the answer I gave him last night, to communicate the Question to the public Press in the form in which it there appears.”

As I was out of London, and as I had no communication with any member of the Press, I at once wrote a letter to the hon. and learned Gentleman, and as I was uncertain where he might be found on Saturday, I myself took the letter to his club. In that letter I said—

“Dear Sir Henry,—I regret that I was prevented from being in the House of Commons on Friday last. On my return to London I read a report in *The Times* of your answer to the Question put for me by Lord Claud Hamilton, in which you are stated to have said—‘I do regret that he (alluding, I suppose, to myself) should have thought it necessary, after the answer I gave him last night, to communicate the Question to the public Press in the form in which it there appears.’ Should this report be correct, I beg to request you will do me the favour to give me the name of your informant, also the authority on which you made the above assertion. I have also to inform you that, so far as the rules of the House will permit, I intend on Monday next to give that statement my unqualified contradiction, also equally to repudiate all intention of insinuating that which I do not declare, as I gather you stated to the House.”

I must now revert to the first Question. [SIR HENRY JAMES: Will you read my reply?] Most certainly; I had intended to do so, and here it is—

“Brooks's Club, April 11, 1875.

“Dear Sir Lawrence,—I trust it is not necessary for me to disclaim any intention of discourtesy to you personally, I do not remember the exact words I used in the House of Commons on Friday last; but I did intend to convey a complaint that the Questions proposed by you to be submitted to me should, in the form in which they appeared, have been communicated to the Press. Permit me to remind you that in *The Times* of Friday morning an announcement appeared of your intention to put certain Questions to me. Those Questions never appeared on the Notice Paper of the House, and, therefore, could not have been copied from it. As you were the Member giving the Notice which did appear, I certainly assumed the publication was with your sanction. If any one without your authority communicated to the newspapers Questions you never intended to put to me, I am sure you will

so inform the House; and if this be so, pray accept the expression of my regret that I should have assumed that the Member who framed and gave Notice of certain Questions was answerable for the announcement which some one made to several newspapers. Claiming from you that in making your statement to the House, you will read this correspondence, I am, &c.,
HENRY JAMES."

Well, Sir, I am not aware what I have done that the hon. and learned Gentleman, whom I have endeavoured, so far as my knowledge permits, to treat in this matter with every courtesy, should have made this charge against me. I can only say I think it is very hard that one in his high position and of his great Parliamentary reputation should have so attacked me. Still, I am bound to accept the apology he has made. There is, however, one portion of the letter to which I wish to allude, and it is that in which he speaks of "Questions you never intended to put to me." I beg leave to say that the Question which was put on the Notice Paper of the House, or as I sent it to the Clerk of the House, was as I arranged it should have been put. I must refer to the original Answer to my Question, in which the hon. and learned Gentleman says, as I understand, that he was only engaged in one suit. I may be wrong—I do not make any charge against him; but I am informed he was engaged in the one suit in which he says he was engaged, where he returned his brief, and that he was also engaged in another suit; in which he received a fee of £132, and in connection with which he was engaged in an application to the Court of Chancery for the examination of certain witnesses which was refused him. The hon. and learned Gentleman seems to think that the object of my Question has been to cast some reflection upon his public and private character. I beg leave to say nothing was further from my intention, and nothing is further from my intention at the present moment. I have watched the hon. and learned Gentleman's career with great admiration, and certainly I am not a likely man to attack him in the way he was good enough to attack me in the concluding part of his speech on Friday night. He said—

"I think I am entitled to ask the hon. Baronet the Member for Devonshire if he does intend to suggest upon these two Questions, that my object in bringing forward that Motion had been influenced by any other considerations than that of what was due to the public, he should give

me the opportunity of giving a refutation to any facts within his knowledge, and not content himself by insinuating that which he does not declare."

I beg leave to tell the hon. and learned Gentleman that I am not in the habit of insinuating charges, and that I would never condescend to so mean an artifice as has been implied; if I had a charge to make, it should be made after due Notice had been given, and when he had full opportunity to refute it. But while disclaiming any intention or any desire to cast any imputation on the hon. and learned Gentleman, I have still a great regard for the honour of this House. I have had a seat in this House for more than 20 years and I look with great veneration upon the pureness of its Committees and upon the justice of their decisions, and in asking these Questions I had no other intention, no other thought, than that of ascertaining, as I believed I was justified in ascertaining, whether the Rules of this House had been infringed or not. For myself, I have only to say that, although I think the hon. and learned Gentleman was perfectly justified in moving for a Committee in a matter in which he has taken so much interest, yet it is not fair to try individuals in the House of Commons and in the Courts of Law at the same time. It only remains for me to thank the House for the kind consideration with which it has listened to my explanation, and to move that this House do now adjourn.

SIR HENRY JAMES: I am sure that the House will accept my statement how sincerely I regret that the public time should be occupied in any way by a matter which appears to affect me personally; but I hope it will feel that it is not my fault that its time has been thus taken up. In relation to what I understand is the first complaint of the hon. Baronet the Member for East Devonshire—that I assumed he communicated to the public Press a Question which had never appeared on the Notice Paper of this House—hon. Members will recollect that on Friday morning there appeared in *The Times* and other newspapers a notice of several specific Questions which, I repeat, had never appeared on the Notice Paper of this House. As the hon. Baronet's name was attached to those Questions when they appeared in the public Press, and as his name afterwards appeared to some Questions,

Sir Lawrence Palk

I may say, similar, which were printed on the Notice Paper, I did assume that he was answerable for that communication. If he did not send that Notice to the public papers, who did? I have written to him what I repeat now—that if the assumption I made was inaccurate, it was such a natural one that I am sure he would forgive me for having drawn that conclusion. I say no more on that point; but I must now, after the course the hon. Baronet has taken, ask from the House a few minutes' consideration while I meet that which, notwithstanding what he says, does appear in some respects to cast an imputation upon me. It is true that on Thursday evening last the hon. Baronet asked me a specific Question, whether I appeared as counsel in December, 1874, and again in January, 1875, before the Lord Chancellor in a legal proceeding relating to the Paraguayan Loan. I answered that I did appear in an interlocutory proceeding, which I then explained, in a cause which without doubt had a connection with that Loan, and I certainly did not intend, when I said that I took no other part in that suit, to convey that I had no connection with any other suit. With reference to the cause to which the hon. Baronet referred on Friday I did not appear in Court—it was settled several days before it should have come on for trial. I wish to add a few words more on the general proposition which the hon. Baronet puts forth. He tells the House that his only object is to maintain its honour, and to secure that its usages should be followed. I accept that statement, but does he know for what cause and reasons these Questions have been suggested to him? I think the House will suppose, because I had been connected with matters relating to the Paraguayan Loan, that therefore the persons connected with those loans had objections to this investigation. As far as I can learn, no objection proceeds from any person connected with the Paraguayan Loan, and if such objection should be made, I am sure that the Committee will do what is right in the matter. It so happens, however, that we are now investigating matters connected with the Honduras Loan. Let me remark that the hon. Baronet's second Question contained a specific quotation from a certain bill of costs, in which the name of Mr. Waring was introduced.

Now that Gentleman, who was formerly a Member of this House, having been alluded to, he has written to me this morning the following letter as a defendant in that suit, and also a contractor of that loan—

"Dear Sir,—I can scarcely express to you the regret with which I have seen an extract from a bill of costs delivered to my firm as quoted in Saturday's newspapers. I fear it might be thought that I was endeavouring to stay you from continuing to inquire into matters in relation to which I and my firm have nothing to conceal. I wish, therefore, to state to you the manner in which the extracts which have appeared were obtained without any communication from me, and without my cognizance or that of my firm. Sir Philip Rose obtained from one member of the firm who act as my solicitors, the loan of the plaintiff's bill of costs, which was in their possession. Equally without my sanction or knowledge, or that of my firm or my solicitors, Sir Philip Rose gave the same to 'a member of Mr. Bischoffsheim's family,' through whose hands it must have passed to Sir Lawrence Palk."

Sir, as my conduct is somewhat severely criticized of late, I beg to explain that the words "a member of Mr. Bischoffsheim's family" do not occur in the letter. The name of that member of the family is given; but I prefer employing the general words. I will, however, hand the letter to the hon. Baronet, and he will see my reason for not mentioning it.

SIR LAWRENCE PALK: As far as I am concerned, I would much rather that the whole of the letter should be read.

SIR HENRY JAMES: I will take upon myself the responsibility of not reading the whole of the letter, which, however, may be placed in the hands of the hon. Baronet. It proceeds—

"If it is not out of place, I should wish to add that the matter involved in the action to which that bill referred, and in which you were engaged as counsel against me, does not appear to involve the question of the system of issuing foreign loans brought by you before the House of Commons. Pray make any use you like of this letter.

"Yours faithfully,
"CHARLES WARING.

"Sir Henry James, Q.C., M.P."

With regard to the part I have taken in the matter, I gave a full explanation that I had ceased to have any connection, directly or indirectly, with any suit relating to these foreign loans. What, however, has been, and what is now the suggestion of the hon. Baronet? If he means that my object is to promote pri-

vate ends, rather than what I consider is due to the public, I would ask what object I could have in severing myself from professional duties, in giving my attention to the consideration of these loans, involving day after day attendance upon the Committee, and affording assistance, as far as I can, to Members of it? How could that be beneficial to me in any other sense? May I also add one fact with regard to these foreign loans? From the commencement of this investigation it was arranged between myself and my hon. Friend the Member for the Denbigh Boroughs (Mr. Watkin Williams) that he should take charge of the inquiry relating to Paraguay, and that I should take no part or share whatever in that branch of the subject, and he knows how far I have interfered with his discretion. There is one matter only which I wish to correct. I stated to the House that I had determined to bring this subject before the House without consultation with any one. In that respect I made one slight error. There is one Friend I did consult, and that is the hon. and gallant Member for Westminster (Sir Charles Russell) and it was after long consideration with him that we jointly determined to bring forward the Motion for a Committee. I take credit for nothing that I have done, but I shall not be deterred by Questions such as these from performing what I deem to be my duty.

MR. SPEAKER: I must apologize to the House for having allowed the discussion to proceed as it has done, but as it is a personal matter I have abstained from interference. I now wish to point out that, the Motion for Adjournment not having been seconded, there is no Question before the House.

SIR CHARLES RUSSELL: As my name has been introduced into this discussion I wish to say a few words, and in order to be able to do so, I beg to move the adjournment of the House. I desire, in justice to the hon. and learned Member for Taunton, to state that some months ago he did consult me with regard to moving for an investigation into certain frauds of which he was aware I had some acquaintance. Such knowledge as I had of these loans was simply—

MR. SPEAKER: I must remind the hon. and gallant Member that it is irregular to discuss a matter which is now

the subject of inquiry before a Select Committee.

SIR CHARLES RUSSELL: I was not aware that I was discussing matters which are before the Select Committee, and I have no desire to do so; but, as some doubt has been expressed as to when and how the hon. and learned Member for Taunton first thought of moving for a Select Committee, I merely wish to say that he did communicate with me some months ago. I will only further add that as far as regards the remarks of the hon. Baronet the Member for East Devonshire (Sir Lawrence Palk), who seems to have some apprehension that the dignity of the House may suffer from the course of action taken by the hon. and learned Member, I can only hope that for the sake of the dignity of the House of Commons there will long be found men within its walls who have enough of courage and capacity to come forward and frankly expose any malpractices which they may believe to exist.

ARTIZANS DWELLINGS BILL.—[BILL 1.]

(Mr. Secretary Cross, Mr. Selater-Booth, Sir Henry Selwin-Ibbetson.)

COMMITTEE. [*Progress 19th March.*]

(In the Committee.)

Clause 7 (Duty of local authority to carry scheme when confirmed into execution).

MR. FAWCETT moved, as an Amendment, in page 5, line 29, to leave out "sell or let," and insert "lease for a period not exceeding ninety-nine years." The hon. Member said, he did so in order to meet what he regarded as a serious defect in this clause—a want of provision as to the appropriation of the land dealt with under the Bill. As the clause stood, if the local authority, having cleared ground of condemned houses, declined for any reason to let the ground to private individuals or trustees, or to build on it themselves, there was nothing in the Bill to say how the land was to be appropriated. In order to effect the same object, the hon. Baronet the Member for Maidstone (Sir Sydney Waterlow) had placed on the Paper two Amendments. One was, that if at the end of three years this clause, as it stood, should not be carried out, if the land in question was not leased or sold to private individuals or bodies of trus-

Sir Henry James

tees, or if the local authorities themselves were not to carry out the scheme, the land should be sold by the local authorities at the expiration of three years in the public market. Suddenly, however, that Amendment was withdrawn, and the hon. Member had substituted another of a different character, which, if carried, would introduce into the Bill a novel principle and one fraught with the most important consequences. That second Amendment amounted to this, that if at the end of three years the land was not sold or leased to private individuals or bodies of trustees, and if the local authorities should not themselves by that time be prepared to carry out the scheme, then private individuals or bodies of trustees should apply to the Home Office or the Local Government Board and ask them to appoint an arbitrator who should decide whether the price asked for the land was a reasonable price, the seller being compelled to accept such price as the arbitrator might fix. There was an Amendment which obviously raised a question of the utmost importance. He undertook the Home Secretary was going to accept that Amendment. The clause, as it stood, allowed the local authorities to sell or lease the land to private individuals, and what he himself wished to propose by his Amendment was that they should not have the power to sell it, but simply the power to lease it for a period of 99 years or less. He thought that if they were obliged to sell the land, they might have to do so at a ruinously low price, too inadequate to repay them any expenditure they might have incurred. He wished the Home Secretary to tell the Committee what were his intentions with respect to the clause.

SIR SYDNEY WATERLOW thought it was unusual to discuss an Amendment or question the Government in reference to it until it had been arrived at. He would only at present say that the best actuaries drew very little, if any, distinction between leasing land for 99 years and parting with it altogether by sale.

MR. ASSHETON CROSS said, that one of the main objects of the Bill was to place in the hands of the great corporations of the country, power which they did not now possess, which they had asked for, and were desirous of exercising. Under these circumstances, he had resisted the placing of

any further compulsory powers in the hands of the central authority than those suggested by some hon. Members opposite, and to confer which he had himself placed an Amendment on the Paper. The local authorities would naturally resent such a step, as it would, in fact, throw a doubt upon their willingness to take steps under the Bill for the removal of the rookeries which existed in their towns. He had often been told, both in that House and in the public Press, that the Bill was not sufficiently strong because it contained no power of compulsion; but his answer to that charge was that, confined as the clauses were to the great towns, he was certain the local authorities in those great towns would carry out the provisions of this measure to the satisfaction of the House and of the country. With regard to the particular point alluded to by the hon. Member for Hackney (Mr. Fawcett), he did not believe there was any danger that the corporations who were bound to carry out the scheme would for a moment turn round when this Bill was passed and refuse to carry it out. If compulsion were put upon the corporations, it might be impossible to carry the Bill through that House, and even if they succeeded in forcing the measure through Parliament, it would be impossible to compel the corporations to carry its provisions into useful effect against their will. Under these circumstances, the Government had thought it better to carry the corporations with them on this question, and they had accordingly drawn the Bill as it now stood. He was decidedly opposed to the Amendment, because it would be perfectly monstrous to enable a corporation to say that they could not sell, which would, in a great number of cases, depreciate the value of the property; while in others the leasing of it for 99 years would, as the hon. Baronet the Member for Maidstone had justly observed, be a distinction without a difference.

MR. FAWCETT said, that the difference between selling and leasing the property was this—that, if leased, the corporations would at the end of the lease come into possession of it. As he could not find out what course the Government intended to pursue with reference to the Amendment of the hon. Baronet the Member for Maidstone (Sir Sydney Waterlow) he would withdraw

his own Amendment, and propose it at a subsequent stage.

MR. HENLEY said, the two objects of the Bill were to get rid of nuisances and to provide better accommodation for the working classes. It might be easy enough to carry out the first of those objects, but he was afraid it would be very difficult to secure the second; and that difficulty would be greatly increased by prohibiting the corporations from selling the land they acquired under the provisions of the Bill, because out of London people would not build on leasehold land, and the result of such a restriction would be that no poor people's dwellings would be built to replace those removed under this measure.

MR. KAY-SHUTTLEWORTH wished to mention that the Amendment would preclude the Peabody Trustees from carrying out any scheme, because they could only spend their money upon land which they had bought.

Amendment, by leave, *withdrawn*.

MR. FAWCETT, in moving, as an Amendment, in page 6, line 3, to leave out "without the express approval of the confirming authority," said, that as the clause now stood it gave power to the local authorities to carry out the scheme themselves at the expense of the ratepayers if it obtained the assent of the confirming authorities—namely, the Secretary of State for the Home Department or the President of the Local Government Board. He did not wish to give them that power. It was impossible to discuss the Amendment without considering the present position of local taxation and local government, and the great injustice which the Bill might inflict on the ratepayers. Supposing a great building scheme was to be carried out on land which had to be cleared at an expense involving £1,000,000, how, he asked, was that money to be obtained? It would be obtained by borrowing from the Public Works Commissioners on a loan to be repaid in a fixed number of years, and in doing that great injustice would be inflicted upon a certain class of ratepayers. If the loan was to be paid in 21 years, and supposing a man had the lease of a house for 21 years, the burden would fall upon the leaseholder of that house, while the owner would not contribute a single penny towards this improvement scheme. He

Mr. Fawcett

ventured to say when that fact became known to the country, everyone would decide that the proposition was extremely unfair. Nothing at the present moment was so serious connected with the finances of the country as the extraordinary rapidity with which the local authorities were accumulating debt; and if they allowed those authorities to enter into these vast building speculations, although the debts of the various municipal authorities were no less than £80,000,000, and were increasing at the rate of £3,000,000 per annum, they would give them the power of adding in the future an indefinite augmentation of the debt. The hon. Gentleman the Member for Hastings (Mr. Kay-Shuttleworth) had alluded to the Peabody Trustees, but their buildings had to be let far below their market value, or if they were not they would be placed far beyond the reach of the class for which they were intended. In the same way, if some such provision as he proposed were not inserted in the Bill, either the buildings must be let at competition rents, or at rents which would not yield a profit on the outlay. In the former case, they would not be taken by persons of the class displaced; and, in the latter, there would be the initiation of an expensive and otherwise objectionable system of favouritism. In addition, if they once sanctioned the principle of a person living in a house erected by public money at a rent less than the market value they would be doing a thing which was an injustice to the ratepayers. If the buildings of the Peabody Trustees were let at rents yielding a fair return, a tenant occupying five rooms would have to pay as much as £30 a-year.

MR. ASSHETON CROSS thought the fears of the hon. Member would be removed if he referred, for example, to what had been done by the Corporation of Glasgow. There was reason to expect that, as in that case, the building schemes would be of positive advantage to the ratepayers. At the same time, nothing could be further from his desire than to allow local authorities to enter unrestrictedly into large building speculations. In Glasgow what the Corporation had done was to set an example, leaving others to follow it out. That was all that these words were inserted for; they were put in for the

express purpose of taking care that local authorities should not enter into large building speculations, but that they should be allowed to provide for certain special cases, and thus set an example to private voluntary enterprise.

Amendment, by leave, *withdrawn*.

On the Motion of Mr. CAWLEY, Amendment made in page 6, line 5, after "scheme," by adding—

"Except that they may lay out, form, pave, sewer, and complete all such streets upon the land purchased by them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets, repairable by the same authority as other streets in the district."

MR. KAY - SHUTTLEWORTH moved, as an Amendment, in page 6, line 5, to add, after "scheme," the following words:—

"Provided that complete plans of the new buildings shall be submitted to the confirming authority for approval, and that no grant, lease, or arrangement as aforesaid shall be binding till such approval shall have been obtained."

He thought, although there were a great many safeguards in the Bill, there was one wanting in this clause.

MR. ASSHETON CROSS objected to the Amendment, on the ground that it would lead to delay and expense. Beyond that, he believed the provision was already in the Bill; but if the Amendment were now withdrawn, he would consider the matter when the preceding clauses were printed in their amended form.

MR. CAWLEY objected to the provision, as it would defeat the object of the Bill, and trusted the right hon. Gentleman would neither accept it now, nor at any future period.

MR. KAY-SHUTTLEWORTH said, he was perfectly satisfied with the promise of the right hon. Gentleman, and would withdraw the Amendment.

Amendment, by leave, *withdrawn*.

SIR SYDNEY WATERLOW moved, as an Amendment, in page 6, lines 6 and 7, to leave out "care shall be taken in carrying the scheme into effect to," and insert—

"In any grant or lease of any part of the area which may be appropriated by the scheme for the erection of dwellings for the working classes, the local authority shall impose suitable conditions and restrictions as to the elevation, size, and design of the houses, and the extent of the accommodation to be afforded thereby and shall."

MR. ASSHETON CROSS said, he would accept the Amendment.

MR. DODSON thought the words in the Amendment, "in any grant or lease of any part of the area," were somewhat too restrictive. He hoped the right hon. Gentleman would consider whether they were or not.

MR. FAWCETT wished to ask the right hon. Gentleman, whether it was intended to be laid down as a principle that the working classes, to whom political power had been given, were an exceptionally helpless section of the community, and could not attend to these matters themselves?

MR. ASSHETON CROSS said, that the question raised by the hon. Member opposite (Mr. Fawcett) had been fully discussed before. He wished to point out that the sole object of the Amendment was to provide that the local authority should see that the plans of the houses were correct.

Amendment *agreed to*.

Words *inserted*.

MR. RATHBONE moved, as an Amendment, to leave out all the words from "provision," in page 6, line 7, to "and," in line 9, inclusive, the object of the Amendment being to take away the necessity for the continued appropriation of such a number of dwellings for the use of the working classes as might have been at first contemplated under the scheme.

MR. ASSHETON CROSS said, he would accept the Amendment, as the object to which the words referred to was provided for in another part of the Bill.

Amendment *agreed to*.

Words *struck out* accordingly.

SIR SYDNEY WATERLOW, in moving, as an Amendment, in page 6, line 10, after the word "arrangement," to insert words which would have the effect of enabling differences arising on various points between the local authority and the company or person making an offer for the purchase or lease of the lands to be determined by an arbitrator appointed by the confirming authority on the application of either party within three years from the passing of the Confirming Act, said, when they were last in Committee on the Bill, the hon. Mem-

ber for Hackney (Mr. Fawcett) moved to report Progress on the ground that this Amendment was too important to be discussed at half-past 11 at night, as if the proposal involved a new form of legislation and was a new principle in the Bill. In answer to the objection, he (Sir Sydney Waterlow) was ready to admit that the principle of the Amendment was of great importance—namely, that of giving power to the confirming authority to complete the scheme, and it would be a crucial test by which it could be determined whether this measure would remove the evil of overcrowding. But this was no new form of legislation, nor was it a new principle. The Amendment had been copied almost verbatim from a clause in the Metropolitan Streets Improvement Bill of 1872 inserted at the instance of the Government of the day, and it could not be said that it was inconsistent with the preceding clauses in the Bill. He found the same principle also in a Bill passed as far back as 1663 in the reign of Charles II. It might be said there was no necessity for the Amendment; but the history of some metropolitan improvements showed there was the greatest necessity for it. In 1838 and 1840 two Bills were passed for making a new street from Holborn Valley to Clerkenwell Green. Let any one walk down that street now and observe the enormous mass of vacant land on either side. Not only had there been great loss in the value of the land so long left vacant, but the vestries of the particular district had lost a sum in rates perhaps as large as the value of the land itself. In 1857 a Bill was passed for making a new street from London Bridge to Blackfriars, and the number of vacant spaces left on either side of the new street again showed the necessity of this Amendment. He was sorry to say there was a large number of owners who had a strong aversion to the erection of houses for working men near to their own property, and those owners would do their utmost to prevent the completion of schemes unless the power now proposed were granted. He therefore hoped the right hon. Gentleman would not object to the confirming authority accepting the responsibility he was going to place in their hands. He begged to move the Amendment which stood in his name.

Sir Sydney Waterlow

Amendment proposed,

At the end of the Clause, to add the words "if after the expiration of three years from the date of the passing of the confirming Act any difference arise between the local authority and any Company or person making an offer in writing for the purchase or lease of the lands appropriated as aforesaid to dwellings for the labouring classes, or any of them, or any part thereof, as to whether such offer is to be entertained, or as to the terms to be inserted in the contract with reference to the purchase-money or rent, or with reference to the conditions upon which the said land is to be sold or let, or with reference to the houses and buildings to be erected thereon, such difference shall from time to time, if the confirming authority think it expedient that the case should be referred to arbitration, be referred to and determined by an arbitrator to be appointed on the application of either party by such confirming authority, and the decision of such arbitrator shall be binding on all parties, and shall be carried into effect accordingly."—(*Sir Sydney Waterlow.*)

MR. CAWLEY thought it would be better simply to enact that if in the course of three years the areas were not occupied, the land should be sold by public auction, subject to certain restrictions to carry out the scheme. If the arbitrator was simply to say whether an offer was to be accepted or not, the Amendment would place the whole matter in the hands of the person who had made the offer, and two or three persons might enter into an arrangement with a view to getting the land on their own terms.

SIR JAMES HOGG differed from the hon. Baronet the Member for Maidstone (Sir Sydney Waterlow), and thought the circumstances were not analogous to those which arose in carrying out the Street Improvement Act. The Amendment seemed to imply a certain want of confidence in the local authorities which they did not deserve.

MR. DODSON thought the purpose of the Amendment just and desirable, and hoped that if the Home Secretary could not accept it in its present form he would endeavour to improve it and accept its principle. In many cases it might be necessary to compel local boards to take action.

MR. ASSHETON CROSS feared the Amendment would not work, that, in fact, it would delay the sale of land for 12 or 18 months. He admitted there were several reasons why it was desirable that some pressure should be put upon the local authority to carry out the powers given by the Bill; but he thought it extremely likely that in the event of

wilful neglect, a *mandamus* would lie; but at any rate, individually, he saw no difficulty in so working the Bill, in London especially, as to compel the local authority to take action. The proposal of the hon. Baronet the Member for Maidstone would cause endless confusion and be impracticable. By the Act relating to Glasgow the corporation of the city were prevented from proceeding with the scheme of improvement until they had satisfied the sheriff that the requisite accommodation for a certain number, not less than 500, of the working classes had been provided. That was a screw of the strongest possible character, and a modification of it would be preferable to the Amendment. He should, however, be willing to consider the question further before the Report.

MR. RATHBONE hoped that full consideration would be given to the difference between London and corporate towns in the Provinces, where there would be no difficulty in providing the house accommodation required. In Liverpool, for instance, the Welsh builders would soon provide any number of houses, and in any towns similarly situated it would be a pity to throw any needless obstacle in the way of the demolition of the fever nests.

MR. FAWCETT said, he must still contend that, although the clause might appear to be compulsory, it was in certain contingencies only permissive, and there was not a single word to prevent the ground from being cleared and remaining unoccupied for an indefinite number of years. He could not agree that the Amendment of the hon. Baronet the Member for Maidstone (Sir Sydney Waterlow) offered the best way of meeting the difficulty, but some provision ought to be adopted that the land should be offered for public competition, after it had been unused for a certain time, care being taken that nothing should be erected upon it to affect prejudicially the sanitary condition of the neighbourhood. The clause could not remain as the Home Secretary proposed to leave it, unless the Act were to become a dead letter, and he trusted that the right hon. Gentleman would give some more distinct intimation of the intention of the Government in regard to the clause than he had yet done.

SIR SYDNEY WATERLOW said, he did not share in the views put forward

by the hon. Member for Hackney (Mr. Fawcett) for he did not apprehend that under the Amendment those who desired to purchase cleared land would obtain it at less than the market value. The land would be valued by a competent arbitrator, so that the contingency spoken of would not occur. He regretted, from experience, he could not share the faith entertained by the right hon. Gentleman the Home Secretary in local authorities; for under the Holborn Viaduct Act, the Corporation of the City of London was bound to build dwellings for those who were driven from their homes by that improvement, but 10 years had since elapsed and as yet not a single house had been built. It was useless then to provide that certain things "shall" be done, unless a time was fixed for it, and a penalty imposed, and he trusted that compulsory power would be taken in the Bill with a view to insure its objects being fully carried out. He should not press his Amendment if the right hon. Gentleman would promise to bring up upon the Report a provision to carry out its object.

MR. ASSHETON CROSS had no doubt that, under the Bill as it stood in the 5th clause, the confirming authority would have full power of securing that substituted dwellings were provided for the parties to be displaced before they were disturbed. They would require to be satisfied on that subject before sanctioning any proposed scheme. If the hon. Baronet the Member for Maidstone could suggest any means of strengthening that provision, in accordance with the objects of the Bill, he (Mr. Cross) would be glad to give the proposal his best consideration.

MR. W. M. TORRENS, being desirous of seeing a scheme adopted which would work well, sincerely sympathized with the object which the right hon. Gentleman the Home Secretary had in view. Ten years' experience, however, of the subject sought to be dealt with by the Bill compelled him to say that he (Mr. Torrens) did not share the sanguine expectation which the right hon. Gentleman had expressed. He had no doubt that while the right hon. Gentleman was Home Secretary he would make corporations do their duty; but that was not the security they required for the carrying out of this most perplexing experiment. When he (Mr. Torrens) had

the honour of carrying a measure with the same object, but not on the same lines, as that of the right hon. Gentleman, he was more sanguine than he was now, but he had seen hope after hope die out. Of this he was persuaded—that the driving of great thoroughfares through such places as St. Giles's would only intensify the evils of overcrowding in the neighbourhood, and that the providing of suitable accommodation for those who were to be displaced would saddle the towns with an amount of expense which would compel Parliament to repeal the Act. What had happened at Paris? Whole districts had been covered with splendid edifices, but the poorer classes had been again and again driven back, and, as a matter of fact, Communism never existed in Paris until Haussman had effected his transformation of the city. Greater control should be given to the local authorities in London. It was incorrect to say that the local bodies had not shown an intention of repressing the system of overcrowding and of enforcing cleanliness and proper sanitary regulations under the Act of 1868. Overcrowding could not be put an end to merely by destroying the houses in which the very poor herded together. The evil had been created by legislation and by the changes in the law of settlement, which had led all men who were out of work to come to London and the other large towns, where they remained to prey on each other. He knew of a case in the parish of St. Luke's where, the parish having interfered in consequence of the frightful state of a court, the owner of the property came forward like a man and at considerable expense pulled down the condemned buildings and erected others in their stead, the consequence being that the poor were attracted to them in greater numbers than ever, and the overcrowding in them was worse than it had been before.

Mr. DODSON thought that the purport of the Amendment was somewhat misapprehended, because it merely gave the confirming authority a discretionary power to appoint an arbitrator in cases where he thought fit to do so. He wished to see that the objects of the Bill were secured, and thought that there should be some better security for their being carried out than the mere chance of the right hon. Gentleman's continuing at the

Home Office. The Government might be changed, and although they might, on the whole, obtain a wiser Administration, they might not perhaps get a wiser Secretary of State. Besides, the right hon. Gentleman was only the confirming authority for the part of the country he acted upon by his own hand, and not for the whole of it. He should, however, advise the hon. Baronet the Member for Maidstone to withdraw his Amendment, provided that the right hon. Gentleman would himself undertake to propose some amendment of the Bill in the direction indicated on the bringing up of the Report. If no such undertaking was given, he (Mr. Dodson) would divide with the hon. Baronet, and if the Amendment was defeated, at all events a protest would be made in favour of the principle embodied in the Amendment. Under the 13th clause, persons were compelled to part with their property without receiving that benefit which under all other compulsory laws was granted; and that being the case, it was but just to those persons who were compelled to part with their property that the Bill should absolutely secure, as far as possible, the object for which they were compelled to part with their property.

Mr. ASSHETON CROSS said, he would admit that if land was taken for the purpose of the scheme it was quite necessary it should be carried out. Provision was made in the Bill for housing the persons who were turned out.

Mr. FAWCETT said, that was what they had been contending for; but provision was not to be made for those displaced, simply the working classes.

Mr. ASSHETON CROSS said, he was not going into the question of the working classes. The scheme always had been as he had stated, and he referred, in support of this, to the last clause of the Preamble—"It is expedient that provision should be made for dwellings." That, he believed, would be practically provided for in Clause 5. In that clause certain Amendments had been made, and when it was reported he would reconsider its entire tendency and details, so as to determine whether any further provision was necessary to carry out to the full extent the spirit and principle of the Bill.

Mr. DODSON begged to remind the right hon. Gentleman that Clause 5 was

silent as to the time within which dwellings were to be provided for those who were dispossessed.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 48; Noes 137: Majority 89.

MR. CAWLEY moved, as an Amendment, in page 6, after line 10, to insert—

"Provided also, that in any case in which the local authority erect any dwellings out of funds to be provided under this Act, they shall sell or dispose of all such dwellings within five years from the time of completion thereof."

He thought it exceedingly undesirable that the local authorities should become the permanent owners of this class of property.

MR. ASSHETON CROSS said, he did not wish that corporations should hold such property in perpetuity; but if they were compelled to sell it within five years, they might incur loss. If his hon. Friend consented to substitute "a reasonable period" for "five years," he would accept the Amendment.

MR. MUNTZ said, "a reasonable period" was no definition at all. He would suggest "ten years" instead of "five."

MR. CAWLEY said, he would accept the proposed alteration.

Amendment *amended* accordingly, and *agreed to*.

MR. JAMES, in moving, as an Amendment, to add at the end of the clause words which would forbid the grant to any premises of a licence to sell intoxicating liquors to be drunk on the premises, or of any new licence to sell such liquors for consumption off the premises unless the number of such premises was less than 1 for every 1,000 of the population within the area, said, he could assure the House that he did not in any degree introduce this subject as a matter of party feeling, and he hoped the right hon. Gentleman the Secretary of State for the Home Department would be able to accept the Amendment, which was one of a practical kind, and was founded on fair and equitable considerations. He was not going to discuss the Licensing Bill of last year, or to allude to the attractions of the public-house; but if a genuine effort were made to improve the homes of the poor, the measure by which

it was proposed to remove social and domestic misery ought to be considered in every aspect. It was an undeniable fact that in large towns public-houses almost invariably occupied the best sites, generally at the corners of streets, and he thought that steps should be taken so that this state of things should not be indefinitely repeated on sites where fever nests and rookeries had been rooted out. On the Shaftesbury Park Estate no evil had arisen from the fact that there public-houses were conspicuous by their absence. He thought that some explanation ought to be given by the right hon. Gentleman with reference to this peculiar question—namely, how it was proposed to deal with licensed houses hereafter erected under the provisions of this Bill. He begged to move the Amendment.

Amendment proposed,

At the end of the Clause, to add the words "No licence to sell intoxicating liquors for consumption on the premises shall be granted for any new premises within the area to which the scheme relates, and no new licence to sell intoxicating liquor by retail for consumption off the premises shall be granted for any premises in such area, unless it is proved to the licensing justices that the number of premises for the time being licensed to sell therein as last aforesaid is less than one for every thousand of the population inhabiting such area."—(*Mr. James.*)

MR. ASSHETON CROSS said, he could not accept the Amendment. If the matter was to be dealt with, it must be in quite a different manner and by a general measure. The question was one which had been frequently discussed in Scotland. It would be most unwise to mix up the licensing question with a scheme for improving artizans dwellings.

MR. ERNEST NOEL said, he could not conceive on what ground the Amendment was objected to. In his opinion it was a moderate and reasonable proposal, for it did not seek to interfere with the social rights of the people, but merely to take care that money taken compulsorily from the ratepayers to clear sites and spaces should not be expended in raising up large gin-palaces. He did not agree with the Permissive Bill; but he should certainly support the Amendment, on the ground that those ratepayers who thought that houses of that sort would greatly increase the rates ought to be considered.

MR. EVELYN ASHLEY confirmed what had been stated by the hon. Mem-

ber for Gateshead (Mr. James) with reference to the absence of public-houses on the Shaftesbury Park Estate. Great satisfaction was expressed at it by every one except the publicans who were kept away, and the magistrates, although pressed to increase the number of public-houses in the neighbourhood to make up the deficiency within the area, had rightly refused to do so. Although he was one of those who did not go in entirely for the Permissive Bill, he yet thought that as very little was got out of the Licensing Bill of last year, they should get what they could out of this; and in that view, small contributions such as this offered by the hon. Member for Gateshead should be thankfully received. He hoped the Amendment would be carried.

SIR WILFRID LAWSON said, he was sorry to hear the Home Secretary say that he did not want the licensing question matter to be mixed up with his Bill. The Bill was intended to make more comfortable, cleaner, happier, and healthier the dwellings of the working classes, and surely a proposal like the one before the Committee ran exactly in a line with it. The hon. Member for Gateshead (Mr. James) thought that those houses which they were going to erect would be more likely to be clean, happy, comfortable, and healthy if they kept away these temptations from their immediate neighbourhood. He (Mr. James) wished to diminish the temptations to drunkenness, which was the cause, nine times out of ten, of miserable and degraded homes. He wished to free the neighbourhood to some extent of those places where, according to his Friend the hon. Member for Huddersfield (Mr. Leatham), "the presiding genius has an interest in filling the glasses and emptying the pockets of his customers." He proposed to protect them from those temptations, and he desired to have an "oasis" in the desert of drunkenness. He (Sir Wilfrid Lawson), however, regretted that his hon. Friend had not quite had the courage of his opinions in this matter. He (Sir Wilfrid Lawson) wished that he had gone a little further. For no human being could say what was the exact number of public-houses that ought to be supplied to a given number of population. He could not quite understand why, if a public-house was an evil, 999

persons were to be free from it, whilst if there were 1,001 in the area they should suffer from it. It was impossible logically to maintain the proposition of his hon. Friend, for this trade was either good or bad; if good, they ought to make it as free as the wind; but if bad, they ought to prohibit it. But he took the Amendment as he found it, and thought it really deserving of some favour. The hon. Member for Dundee (Mr. Jenkins), in one of his excellent works, describing a "rookery" and its surroundings of gin-palaces, public-houses, and beer-shops, said—

"Veritable wreckers they who conduct these haunts, viler than the wreckers who place false beacons and plunder bodies on the beach.

That was stronger language than he (Sir Wilfrid Lawson) used; but if there were any truth in it, Parliament was responsible, and he did not think they should wash their hands of all the crime that arose. Last year both parties in that House by a large majority passed the third reading of the Licensing Bill, doing all the harm they possibly could to the working classes, and his right hon. Friend the Home Secretary must have had many an uncomfortable hour during the last Recess, and now when he heard what was going on in consequence of his legislation — legislation which, in his heart, he was as much ashamed of as any of them. Take Lancashire, a large portion of which he (Mr. Assheton Cross) himself represented. What was the state of things there? The Chief Constable's report shows an increase of 7,148 proceedings for drunkenness. In Liverpool, the apprehensions for drunkenness, disorderly, and incapable were in 1873, 20,970; and in 1874, 23,303. Also in the first five weeks after Cross's Act, 1874, came into force, an increase of 10 per cent in arrests for drunkenness. Now that they had done all they could to deteriorate the man, they spent hour after hour in that House pottering over this Bill to improve the houses in which he lived. But he maintained they must improve the men first, and remove them from those temptations which were their curse. He was sorry not to see the Prime Minister in his place, because, allusion having been made to the Shaftesbury Park Estate, he wished to call attention to the address which the right hon. Gentleman had delivered at its inauguration. His words were very important. He

Mr. Evelyn Ashley

was addressing a meeting called to promote the interests of the Shaftesbury Park Association. The leading principle of that association was not only to erect good working-men's dwellings, but that they should be kept perfectly free from the contamination of drink shops. On the 18th of July, last year, the Prime Minister, at Shaftesbury Park, said—

"I have never in my life been more astonished than by what I have unexpectedly witnessed to-day—a city suddenly rising in the desert. The experiment you have made has succeeded, and therefore can hardly be called an experiment, and in its success is involved the triumph of an interesting effort for the moral elevation of the great body of the people. . . . I cannot doubt that this movement will spread. I myself view it with great interest, because it is a subject which at this moment engages the attention of Parliament. However, to a certain degree, you may be said to have solved a question which has perplexed Parliaments; and from what I have seen here, from what I am told I shall learn, from the information which has been promised me, I think I see the possibility of obtaining results which may guide the national councils in accomplishing an enterprise which I believe is impending in this country—the attempt upon a large scale to improve the dwellings of the great body of the people."

So that the right hon. Gentleman did not, like the right hon. Gentleman the Home Secretary, object to the two questions being mixed up together. He repeated that he regretted the right hon. Gentleman (Mr. Disraeli) was not now in his place, for after that speech he would be bound to vote with the hon. Member for Gateshead. But what could the Home Secretary mean by saying that the Amendment ought not to be mixed up with the objects of the Bill? Read the Preamble itself, which specially points out the evil of "buildings so densely inhabited as to be highly injurious to the moral and physical welfare of the inhabitants." That was exactly what public-houses were, that was the only reason why he had ever objected to them, because they were "highly injurious to the moral and physical welfare of the inhabitants." The Government in the Bill were doing what he had been condemned as the most desperately wicked politician ever seen for doing—namely, trying to make people moral by Act of Parliament. Then again, the Preamble said, touching the effect of these objectionable houses—

"Diseases are constantly generated there, causing death and loss of health, not only in

the courts and alleys, but also in other parts of such cities and boroughs."

Again; exactly, his charge against the public-houses. But they did more than promote disease and death, for the right hon. Member for Birmingham (Mr. Bright), the other day, described those who kept such places as men who deal in articles "producing crime, disorder, and madness to a very great extent." Did they really wish such places to be established in their new and improved districts? He should vote for the Amendment, and all those who did not wish to go on in make-believe legislation, but really wished to turn this Bill into one that would do something to increase the happiness and prosperity and morality of the working classes of this country, ought also to support it.

MR. ALDERMAN COTTON said, he could not help thinking, with the right hon. Gentleman the Home Secretary, that till the Permissive Bill was passed the licensing of public-houses had better be left in the hands of the justices.

MR. J. COWEN said, the Amendment did not go far enough. The existence of public-houses ought not to be allowed in these buildings. It was a very usual thing for a clause to be inserted in leases for building on estates to be occupied by the wealthier classes that no public-house should be erected. If it was desirable so to protect the dwellings of wealthy people it was far more so those of the working men.

MR. WATKIN WILLIAMS said, he concurred with the hon. Member for Newcastle (Mr. J. Cowen) that the Amendment did not go far enough. He could not vote for it for the reason that made it difficult for him to support a Permissive Bill—that it was the duty of the Imperial Parliament to take upon itself to determine for a country what law should prevail upon the subject, and not throw the responsibility on public bodies of deciding matters of such vast importance. He would have voted for a clause prohibiting altogether the erection of public-houses in these districts. He should support the clause.

MR. R. SMYTH: The hon. Member opposite (Mr. Alderman Cotton) has expressed his concurrence with the Home Secretary that the Amendment of my hon. Friend the Member for Gateshead (Mr. James) is not consistent with the objects of the Bill. And why? Because,

says the hon. Gentleman, it is an artizans and labourers dwellings Bill. Now, no other argument is needed to justify the Motion of the hon. Member for Gateshead, for surely no one will contend that a publican is either an artizan or a labourer. You are proposing to erect more healthy dwellings for the working classes, and all that my hon. Friend asks is, that you take care that your dwellings when they are erected shall not be diverted from the objects for which they are built, and turned into dwellings for those who do not belong to the working classes at all. In fact, the Amendment is a necessary corollary to the main provisions of the Bill. The hon. Baronet the Member for Carlisle has shown that if you are sincere in wishing to promote the moral and physical welfare of the labouring classes, you will keep them as far as possible from the contaminations of which he has spoken; but, apart from this weighty consideration, which has really received no answer, I accept the argument of the hon. Gentleman opposite, and turn it against himself. This is a Bill to provide suitable dwellings for the working classes, and therefore it is not a Bill to provide taverns and beer-shops. For that reason I shall vote with my hon. Friend, and I hope he will divide the House.

SIR SYDNEY WATERLOW said, the land that was to be built upon for artizans dwellings could not be used for public-houses, but the portion that was to be sold could be utilized as the purchaser thought fit. It was not right that the ratepayers' money should be spent in purchasing interests in public-houses, and that in 12 months after the same interest should be re-created without the authorities being recouped the money they had spent in purchasing it up. There were, in these existing crowded localities, more public-houses than were wanted, and it would be a great boon to reduce them.

MR. T. CAVE said, opponents of the United Kingdom Alliance could accept the Amendment, which was necessary because municipalities, for the sake of saving a halfpenny rate, might be tempted by higher offers to let land for public-houses.

SIR ANDREW LUSK said, it would be better not to take into consideration the Permissive Bill when they were dealing with this question. He hoped the

right hon. Gentleman would adhere to his Bill, or otherwise he would get into trouble. If there was no necessity for a public-house, the magistrates would not grant a licence, and if there was, why should not the neighbourhood have one?

MR. JAMES said, the object of the Amendment was to try and do something to remedy a prevailing evil, and he thought it was practicable if carried out. He must press it upon the Committee.

MR. MUNTZ objected to the Amendment, because it was an attempt by a side-wind to nullify the provisions of an Act of Parliament already on the Statute Book. There was no practical result to be derived from this perpetual meddling with private enterprise, and he should therefore vote against it.

MR. CUBITT said, that by forbidding the erection of public-houses on a piece of land the value of the adjoining land was increased in value for that purpose. It was the practice on large estates to set out a certain number, in order that the number should be limited. In all other cases, the most inconvenient sites were provided.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 53; Noes 109: Majority 56.

MR. ASSHETON CROSS moved, as an Amendment, to add at the end of the clause the following words:—

"The local authority may, when they think it expedient so to do, without themselves acquiring the land, contract with the owner of any land comprised in an improvement scheme for the carrying out of the scheme in respect of such land by such owner."

MR. SHAW-LEFEVRE inquired, whether it was intended that the local authority should be at liberty to pay money out of the rates for the purpose of enabling an owner to carry out improvements in his property? If so, he thought the Amendment would be objectionable.

MR. ASSHETON CROSS said, there was no such intention. If he were advised that there was the least doubt on that point, he would take care to have it removed.

Amendment agreed to; words added.

MR. FAWCETT moved, as an Amendment, to add to the clause words providing that if at any time within three

Mr. R. Smyth

years after the local authority had acquired any plot of land the confirming authority should determine on, or if at the expiration of such three years the local authority should have been unable to lease the same for the purposes of the Act, the obligations of this enactment imposed upon the local authority should with respect to the land so unleased, cease and determine. As the hon. Baronet the Member for Maidstone (Sir Sydney Waterlow) had failed to carry his second Amendment, he (Mr. Fawcett) made this proposal to give the opportunity of confirming the idea embodied in the hon. Member's original Amendment. As the clause stood it was permissive in regard to carrying out the scheme, and there was nothing under Clause 7, as it stood, to ensure that the land when cleared out would be used. It was no answer on the part of the right hon. Gentleman the Home Secretary to say that this or that was not the intention of the Government; what the Committee had to look to was the legal application of the words contained in the clause. Did the Home Secretary pretend to say that in Clause 7, as it stood, there was anything to make the carrying out of the scheme obligatory? If not, what would become of the land, supposing the scheme should not be carried out? The object of his own Amendment was simply to prevent in future that taking place which the hon. Baronet the Member for Maidstone had described as having taken place in the City of London, where great improvements had been carried out, and where, though it was the intention that houses should be built for the working classes, the people residing in the cleared areas were turned out, and other parts of London became more crowded than before, the land remaining unoccupied. The right hon. Gentleman had said that the great principle which animated him with respect to the Bill was, to have a generous confidence in the local authorities; but the local authorities, though they might be anxious to carry out the scheme, might, from considerations of wise and just prudence, shrink from incurring the expenditure which the scheme involved, and find other excuses for not doing what was required. If the Amendment which he proposed were accepted, he believed the scheme would be adopted in localities where it was advisable that

it should be adopted, while it would not be adopted in places where it was not desirable, and that nothing would be more likely to effect the clearance of unhealthy areas.

Amendment proposed,

At the end of the Clause, to add the words "If at any time within three years after the local authority have acquired any of the before mentioned plots of land the confirming authority shall so determine, or at the expiration of such three years the local authority shall have been unable to lease the same for the purpose aforesaid, the obligations by this enactment imposed upon the local authority shall, with respect to the land so unleased, cease and determine."—*(Mr. Fawcett.)*

Mr. ASSHETON CROSS said, he wished the Committee and the whole country to understand clearly the point at issue between himself and the hon. Member for Hackney. The hon. Member wished to make the measure a Towns Improvement Bill, and had urged his view in every possible variety of shape during this discussion. He (Mr. Cross), on the other hand, desired that the measure should not be a Towns Improvement Bill, but something else—namely, a measure that would prevent the occurrence of those evils that have been so forcibly and vividly depicted to-night by the hon. Member for Finsbury (Mr. Torrens) as having been brought about in Paris by the destruction of the dwellings of the working classes without any provision having been made for their accommodation. The object of the Government was to get rid of the rookeries, but also to provide for the erection of houses in the place of those destroyed, and thus to prevent the vice, filth, overcrowding, indecency, misery, disease, and death that must be the inevitable result of the hon. Gentleman's (Mr. Fawcett's) Towns Improvement Bill. That was the sole issue between himself and the hon. Member, but it was a grave one, and was one in which all the people of this country had the deepest interest. The hon. Member wished to leave the accommodation of those who were turned out of their dwellings to be met by the law of supply and demand, and by those of political economy. Well, the Government did not wish to place houses at the disposal of the people turned out at a cheaper rate than they ought to pay, they did not want to pauperize these people;

but they wanted to take care that in clearing out the rookeries for the benefit of the whole community the persons driven from those rookeries should not be damaged by it. They wished to build houses for them such as the people could live in and carry on their occupations in, but they must pay for them. That was the issue between them. [Mr. FAWCETT: No, no!] That was at the bottom of the issue, and it was clearly shown by the Motion of the hon. Baronet the Member for Chelsea (Sir Charles Dilke), who wished to change the title of the Bill; but he was glad to say that was not the ground taken up by his hon. Friends opposite. He had that faith in the great municipal institutions of England that when they came to Parliament and said—"We come here for a scheme to carry out these improvements" they would fully carry out that scheme. He asked the House to have confidence in the municipalities and in local self-government; and he contended that by passing the Amendment, they would be holding out great temptation to municipal authorities to evade the Act.

Mr. KAY-SHUTTLEWORTH also opposed the Amendment, on the ground that it would put a great temptation before the local authorities, and afford them a means, where they desired it, of evading the Act. At the same time, he was quite sure that nothing was further from the thoughts of the hon. Member for Hackney (Mr. Fawcett) than that the people who inhabited these places should be sent forth houseless and homeless, and he thought the right hon. Gentleman the Home Secretary had either misunderstood, or not treated quite fairly the remarks of the hon. Member.

Mr. DIXON deprecated any proposal which would throw difficulties in the way of the successful working of the Act among our large provincial population such as he feared was suggested by the Amendment. All the arguments adduced by the Home Secretary had been in favour of the importance of re-building habitations for the working classes in those places where there had been great clearances; but there was a difference between the metropolis and the provincial towns, because in the latter there was no necessity for the immediate re-building of the houses. He suggested that the difference should be recognized.

Mr. WHITWELL considered that

Mr. Assheton Cross

when the Provisional Orders were laid on the Table would be the time to see that they contained compulsory powers.

Mr. RATHBONE urged that the Home Secretary should accept the proposition of the hon. Member for Hackney so far as applying the relaxation to all places outside the metropolis.

Mr. ASSHETON CROSS said, the discussion showed how right the Government were in taking care that the Bill should apply only to very large towns. The more the details were discussed, the more it would be seen that they were only applicable to very large places. Indeed, he stated originally that he would rather apply it to towns of still larger population than was fixed in the Bill. At the same time, for the comfort of hon. Members, he would call attention to the fact that there was on the Paper a clause which would give ample power to the central authority to select any part of a scheme which it might appear desirable not to carry out.

Mr. FAWCETT said, the right hon. Gentleman the Secretary of State for the Home Department had not condescended to answer his question, but had simply repeated the worn-out taunt that he (Mr. Fawcett) did not care for the working classes, and that Her Majesty's Government was a benevolent Government which did. ["Oh, oh!"] He was not the least afraid to have his political character judged by the working classes. The worst friend to the working classes was he who attempted to deceive them by trying to make them believe that this House could do for them what it could not do, and what they only could do for themselves. That was the principle which he had always endeavoured to advocate, and whatever the consequences he would, for the sake of the working men themselves, continue to advocate it. He wanted to ask the right hon. Gentleman a business question—Would the right hon. Gentleman point out the words in the clause which would give any security that the ground when cleared would be appropriated to any purpose? If the right hon. Gentleman would not answer it now, he (Mr. Fawcett) would move to report Progress in order to secure an answer at a future time.

Mr. ASSHETON CROSS said, he could only reply as he had done before. He must refer the hon. Gentleman to the original scheme, which he did not

appear thoroughly to understand. The local authorities would have to lay down the original scheme, and the permanent authority would, as a matter of course, require to be shown in that scheme how they proposed to deal with the land. It was distinctly stated that it should be their duty not only to take steps for securing the land, but also for carrying the scheme into operation.

MR. FAWCETT said, he would assume that the scheme had gone before the Home Secretary, and that he was satisfied with it, but how was it to be carried out? The enacting part of the clause said that the scheme was to be carried out in either of three ways; but supposing the parties concerned did not choose to act, how was the scheme to be carried into effect?

Question put, "That those words be there added."

The Committee divided:—Ayes 43; Noes 211: Majority 168.

Clause, as amended, *agreed to*.

Clause 8 (Notice to occupiers by placards).

On the Motion of Mr. HAMOND, Amendment made, in page 6, line 11, by leaving out "eight," and inserting "thirteen."

MR. FAWCETT moved, as an Amendment, in page 6, line 12, the omission of the words "occupied wholly or partially by persons belonging to the working class as tenants or lodgers," his object being to extend the benefit of the notice to be given to the occupants of condemned houses equally to all, irrespective of the class to which they belonged.

MR. ASSHETON CROSS said, he had no objection to the Amendment.

SIR SYDNEY WATERLOW regretted the course taken by the Home Secretary on that point, and the Amendment of the hon. Member for Newcastle (Mr. Hamond).

MR. ASSHETON CROSS said, with regard to the latter point, the effect was that in every case there would be 13 weeks' notice.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

PART II.

PROVISIONS ANCILLARY TO IMPROVEMENT SCHEME.

As to Local Authority.

1. *Medical Officer.*

Clause 9 (Medical officer of health in Metropolis).

On the Motion of Mr. Secretary CROSS, Amendment made, in page 6, line 26, by leaving out from "when they are desirous," to end of clause, and inserting—

"Appoint one or more legally qualified medical practitioner or practitioners, with such remuneration as they think fit, for the purpose of better carrying into effect this Act in the metropolis. Any officer so appointed by the Metropolitan Board of Works shall be deemed to be a medical officer of health of a local authority within the meaning of this Act, and shall perform the duties and be subject to the liabilities which such medical officer is by this Act required to perform and be subject to."

Clause, as amended, *agreed to*.

2. *Local Inquiry.*

Clause 10 (Proceedings on local inquiry); Clause 11 (Notice of inquiry to be publicly given); and Clause 12 (Power to administer oath) *agreed to*.

3. *Acquisition of Land.*

Clause 13 (Acquisition of Land).

MR. JACKSON said, he had to complain of the very careless manner in which the Bill had been drawn in reference to this subject. It should be sent back to the draftsman in order that it might assume a more intelligible shape. He had expected that the hon. Member for Salford (Mr. Cawley) would have moved the Amendments which stood in his name; but as he appeared to have abandoned his intention, he (Mr. Jackson) would himself move them. His object was to provide that the Lands Clauses Act should be incorporated in this Act. The plan of the Schedule appeared to be that a *quasi*-official arbitrator, appointed by the public authority, was to hold a preliminary and, he supposed, *ex parte* investigation; he was to issue a provisional award; and then, and not till then, was the owner to have a right to be heard. Under the Lands Clauses Act parties must elect at once between an arbitrator and a jury; but, under the proposed system, he could not help thinking that there would be troublesome and expensive rehearings, as parties affected by the preliminary award would recognize the difficulty of

inducing the arbitrator to vary his own decision, and would procure expensive legal assistance, and resort, when possible, to a jury, and the Committee ought to call upon the right hon. Gentleman the Home Secretary to show very clearly why he adopted this new and untried system in preference to that which had been satisfactorily in operation for so long a period. He should move the first of a series of Amendments, the object of which was to substitute the provisions of the Lands Clauses Consolidation Act for those of this Bill.

MR. ASSHETON CROSS said, the procedure, so far from being novel, had been tried with success for 25 years in Ireland, where it was introduced with the object of avoiding the delay and expense of dealing with small holdings under the Lands Clauses Consolidation Act. There was no doubt it would be equally satisfactory in the present case.

MR. CAWLEY did not think the cases were so far parallel as to justify the adoption of the Irish procedure without modification. He was, however, willing to accept the provision proposed in the Bill, with certain modifications in the direction of a rule that might apply to all kinds of property, which at the proper time he would move.

MR. RATHBONE, in opposing the Amendment, said, that the authorities in Liverpool, owing to the incorporation of the Lands Clauses Consolidation Act, were obliged—with a view to avoid legal expenses—to pay to proprietors of houses who had neglected to carry out proper sanitary arrangements, 50 per cent above the value of their property. In the opinion of the Town Clerk of Liverpool, the Irish system worked better, and he was glad it was to be adopted; but he hoped the right hon. Gentleman would consider whether it was not possible still further to lessen the expenses to be incurred in carrying out the Act in connection with the transfer of land.

THE SOLICITOR GENERAL said, that the courses provided by the Lands Clauses Consolidation Act—the summoning of a special jury or the appointment of arbitrators to fix the value of property to be acquired—were dilatory and uncertain. The arbitrators were in a certain sense judges; but they seldom agreed, and they generally had interested views. The system adopted under the Irish Act was better and simpler;

for if the party interested were not satisfied, he had a right of appeal to the tribunal of a jury. The main provisions of that Act were adopted, and such of the clauses of the Lands Clauses Consolidation Act as were necessary to give effect to such main provisions.

MR. MORGAN LLOYD suggested, for the sake of clearness, that such of the clauses of the Lands Clauses Consolidation Act as were proposed to be incorporated with the Bill should be stated in the Schedule by number.

MR. MARTEN believed that the clause would work well. With regard to the suggestion as to retaining the action of the Lands Clauses Consolidation Act, it should be borne in mind that Act had to deal with every description of property.

MR. HERSCHELL thought that the Schedule of the Bill was an improvement in the appointment of a single arbitrator; but it was objectionable that under the Bill there might be a double inquiry and then another appeal to the jury. He would ask the right hon. Gentleman whether he could not, at all events, devise something which might give the advantage of a single arbitrator dealing with the whole of the cases without the disadvantages which would ensue if the Schedule were carried in its present form. There was a vast waste of time and money in most of these arbitration cases, inasmuch as the evidence given in one case might often be made applicable to others.

MR. GIBSON said, that under the Irish Lands Clauses Act an arbitrator went down to the spot to survey and assess the property. The parties had notice of his intention, and they were heard before him either by or without counsel or attorneys. The parties often acquiesced in the arbitrator's draft award; but if they were dissatisfied, they then appeared before him on the final award. Sometimes he was satisfied he had made a mistake, and then he either increased or diminished his award, but always acting in a *quasi-judicial* way. Traverses were not too frequent under this system, and the Home Secretary had been wise in adopting the main provisions of a procedure which he doubted not would work as satisfactorily in England as it had done in Ireland.

Amendment, by leave, *withdrawn*.

Mr. Jackson

On the Motion of Mr. GIBSON, Amendment made in page 7, line 25, after "body thereof," by inserting—

"The Lands Clauses Consolidation Act, 1845,' as amended by 'The Lands Clauses Consolidation, Act, 1860,' 'The Railways Act (Ireland), 1851,' 'The Railways Act (Ireland), 1860,' 'The Railways Act (Ireland), 1864,' and the Railways Traverse Act, shall, subject to the provisions following, regulate and apply to the purchase and taking of lands in Ireland, and shall for this purpose be deemed to form part of this Act, in the same manner as if they were enacted in the body hereof."

MR. ASSHETON CROSS moved the following Amendment in page 7, line 39, at end, add—

"Due regard being had to the nature and then condition of the property and the probable duration of the buildings in their existing state, and to the state of repair thereof."

The object of the Amendment was to prevent the arbitrator giving an excessive amount of compensation to the owners of the property taken, and also to prevent the owners from permitting their property to go to ruin with the view to its being taken under the provisions of this Act.

MR. CAWLEY, whilst approving of the intention of the Proviso, questioned the utility of introducing it into the Act, as the arbitrator would in any case, if he was a fitting person for his office, have to take these and all other circumstances of the property into consideration. He therefore proposed to move an Amendment to leave out all the words after the word "to" in the first line of Mr. Cross's proposed Amendment, and insert the words, "all the circumstances affecting such value." He did not see any reason why this further Amendment could not be accepted.

MR. STANSFELD judged that the effect of the proposition of the Home Secretary would be that the arbitrator would have to ascertain the market value of the property. He wished to observe that property was often of greater market value, because it was unfit for human habitation. Owners of property who had neglected their duty ought not to be allowed to take any advantage of their own wrong; and the amount necessary to put their property in a fit state for human habitation ought to be deducted from the value of their property.

MR. GREGORY trusted the Bill would be left in the state which was proposed by the Home Secretary, which was calculated to carry out what were really the principles of the Bill.

MR. SHAW-LEFEVRE expressed his approval of the Amendment, which he considered would be a great improvement to the Bill. He thought that some limit ought to be placed on the calculation of the proposed measure of value, and would suggest that the best course would be to incorporate Torrens's Act with the Bill.

MR. ASSHETON CROSS said, the words were drawn by a person of great experience. He was willing, however, to assent to the addition of the words "and all other circumstances affecting such value."

Amendment (Mr. Cawley), by leave, *withdrawn*.

Amendment (Mr. Secretary Cross), as amended, *agreed to*.

MR. CAWLEY moved, as an Amendment, to leave out in line 40 "without any additional allowance in respect of the compulsory purchase of the same." There would be numbers of cases where great hardship would follow to individuals where the property was taken away compulsorily.

MR. ASSHETON CROSS said, he could not accept the Amendment.

Amendment *negatived*.

Clause, as amended, *agreed to*.

MR. WAIT moved "That the Chairman do report Progress, and ask leave to sit again."

MR. ASSHETON CROSS hoped they would proceed until the next disputed point was reached.

Motion, by leave, *withdrawn*.

Clause 14 (Extinction of rights of way and other easements), *agreed to*.

4. Expenses.

Clause 15 (Formation of improvement fund for purposes of this Act).

MR. RITCHIE said, the Amendment he had to propose was of considerable importance, and he should therefore move that Progress be reported.

Motion *agreed to*.

House *resumed*.

Committee report Progress; to sit again *To-morrow*.

EXPLOSIVE SUBSTANCES BILL.

[BILL 76.]

(Mr. Secretary Cross, Sir Henry Selwin-Ibbetson,
Mr. William Henry Smith.)

COMMITTEE. [Progress 5th April.]

Bill considered in Committee.

(In the Committee.)

Clauses 4 to 8, inclusive, *agreed to*.

Clause 9 (Regulations for factory and magazine).

CAPTAIN NOLAN said, he must object to so heavy a penalty as £50 a-day for a breach of the conditions laid down, and would contend that the effect of the penalties provided in the Bill would be to suppress all small manufacturers of gunpowder and explosive substances.

MR. ASSHETON CROSS said, with regard to the objection of the hon. and gallant Gentleman, the penalties were reduced by the Bill below the point at which they had formerly been. In addition, he had to say that manufacturers had expressed their approval of the Bill.

Clause, verbally *amended*, and *agreed to*.

Clause 10 (General rules for factories and magazines).

MR. CAMPBELL - BANNERMAN, in moving to report Progress, said, he did not understand the procedure of the Government. It was understood that they were to deal that night with the important question of the nomination of the Select Committee on Banks of Issue, and many Scotch Members had been waiting to take part in the discussion on that Motion. It was now past 12 o'clock, however, and other Orders of the Day were on the Paper, so that there seemed little prospect of the Motion he referred to being brought on.

Motion made, and Question proposed, "That the Chairman report Progress, and ask leave to sit again."—(Mr. Campbell-Bannerman).

MR. DISRAELI said, that the Orders of the Day would have to be gone through before the Motion the hon. Gentleman referred to could be reached, and then it would be too late to take it. The hon. Member, by pressing his Motion, therefore, would be interfering with whatever progress they could make with the Bill now in Committee, but would not be doing anything to advance

the object he had in view. The Motion should, however, be fixed for to-morrow (Tuesday).

MR. ANDERSON said, that the Scotch Members took a particular interest in the question, and only wanted to know whether the Motion was to come on that night or not.

Motion, by leave, *withdrawn*.Clause *agreed to*.Clauses 11 to 109, inclusive, *agreed to*, with Amendments.

Clause 110 (Expenses of local authority).

CAPTAIN NOLAN moved to substitute "poor rates" for "grand jury cess." The object of the Amendment was to provide that the cost of carrying out the Act in Ireland should be charged on the poor rate instead of the county cess.

SIR MICHAEL HICKS-BEACH opposed the Amendment.

Amendment proposed, in page 65, line 27, to leave out the words "Grand Jury Cess," and insert the words "Poor Rates."—(Captain Nolan.)

Question proposed, "That the words 'Grand Jury Cess' stand part of the Clause."

Whereupon Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(Mr. Sullivan.)—put, and *negatived*.

Question put.

The Committee *divided*:—Ayes 59; Noes 25: Majority 34.Clause *agreed to*, with Amendments.Remaining clauses *agreed to*, with Amendments.House *resumed*.Bill *reported*; as amended, to be considered upon *Monday* next, and to be *printed*. [Bill 115.]

SEAL FISHERY (GREENLAND) BILL.

On Motion of MR. CAVENDISH BENTINCK, Bill to provide for the establishment of a close time in the Seal Fishery in the seas adjacent to the eastern coasts of Greenland, *ordered* to be brought in by MR. CAVENDISH BENTINCK and SIR CHARLES ADDERLEY.Bill *presented*, and read the first time. [Bill 117.]

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, 13th April, 1875.

MINUTES.]—PUBLIC BILLS—*Second Reading*—
Justices of the Peace Qualification (5);
Indian Legislation (46).
Third Reading—Patents for Inventions* (15);
Marine Mutiny*; Mutiny*, and *passed*.

JUSTICES OF THE PEACE QUALIFICATION BILL—(No. 5.)

(The Earl of Albemarle.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF ALBEMARLE, in moving that the Bill be now read the second time, said, that its object was to amend the Act of 18 Geo. II., by which it was declared that no person should be eligible to be a justice of the peace who did not hold land of the annual value of £100. By his Bill he proposed to enact that an income of £300 a-year from personal estate should be deemed equal to an income of £100 a-year from land. The noble Earl said that in the few remarks he desired to offer to the House, it would be his object to show that the restriction instituted by that Act was bad legislation—vicious in principle and obstructive in operation; that it was one of the last remnants of class legislation, and one by which the efficient administration of justice was rendered subservient to the social-elevation of a class:—for by necessary inference, it was declared that landed proprietors alone were competent to administer justice in the rural districts of England and Wales—to the exclusion of vast numbers of gentlemen of rank, wealth, education, and intelligence who might reside within the counties, and to the exclusion even of that learned profession from which all other Judges were taken. The period when a property qualification was first affixed to the magistracy dated 450 years back; and at that time the object contemplated was to restrict the magistracy to the landed class. Subsequently, the Act of George II., by virtue of the tithe rent-charge, qualified incumbents of livings became eligible for the office of justice, and thus clergymen became sharers in that offensive monopoly, and stood in the invidious position of holding lay appointments to the exclusion of the

main body of the laity. He wished to speak with all respect of the clergy of England and Wales; but, in his opinion, they were not the most fit persons to administer justice, and he expressed a very common view of the subject when he said that clergymen should not be placed on the Commission of the Peace, except where laymen of proper status could not be found for the performance of magisterial duties. And here he would call attention to a Return which had been laid on the Table, by which their Lordships would see how that clerical element in the county magistracy was spread over the length and breadth of the land. It was a Return of the number of clergymen of the Established Church who acted on the Commission of the Peace in each county; and it told them that in 51 out of the 52 counties into which England and Wales were divided the scarcity of lay magistrates, was supplemented by beneficed clergy. When he moved for the Return, he expected to be able to show that in the two counties with which he was best acquainted, there was too great a number of clergymen; the Return fully answered his expectation, Norfolk and Suffolk being the counties in which clerical magistrates were most employed. If they took the contiguous counties—the counties bordering on the German Ocean—namely, Essex, Lincolnshire, and Yorkshire—and if they would make him a present of Herefordshire, in which also the clergy were very numerous—they would find that in those six counties there was a greater number of clergymen acting as magistrates than in any 14 other counties. He had been told, in fact, that there was scarcely a county in which an extension of the area whence lay magistrates were taken would not be a positive boon; but if it would benefit only the counties he had named, it would fully justify him in asking their Lordships to pass the Bill before them. Why, by excluding the laity from the magisterial Bench, should they create an artificial scarcity of magistrates, when the demand was so much greater than the supply? Was it right that these reverend gentlemen who received stipends from the State, should be regarded as qualified; when men of culture and intelligence, and men well versed in the criminal law, were debarred from rendering assistance on the Bench in conse-

quence of the civil disabilities inflicted on them by the law? In the reign of Henry V. justices of the peace were chosen from "the most sufficient men dwelling in each county." If that excellent law had existed, the present Bill would have been unnecessary; it would have qualified resident gentry whether deriving income from real or personal property. That law was repealed by the Act passed in 18 Henry VI., when it was declared that "none should be assigned justices of the peace if he had not lands or tenements of the value of £20 a-year." And the reason for passing that restrictive law was stated on the face of it, and deserved attention:—It was "because men of small substance had crept into the commission, whose poverty have made them covetous and contemptible." Therefore, because covetous and contemptible persons had crept into the commission in the troublous reign of a weak mediæval King, therefore gentlemen who were neither covetous nor contemptible were to be shut out of the commission in the reign of Queen Victoria. The Act of George II. which he now sought to amend was only a re-affirmation of the former statute, and gave the same reason, but raising the qualification from £20 to £100 a-year. What said the Preamble—"Whereas it was of the utmost consequence to the common weal to prevent persons of 'mean estate' from becoming magistrates, therefore, &c." If their Lordships rejected this Bill, would they be prepared to say that their younger sons who might not possess £100 a-year in land were less qualified to discharge the duties of magistrates than their elder sons and incumbents of livings. But more than that, he contended that the tribunals in which these magistrates sat were to a great extent unconstitutional, inasmuch as persons charged before the magistrates were fined or imprisoned by their orders, without having the benefit of being tried by their equals. He did not mean to say that misdemeanours should not be triable by summary process; but he contended that if they must needs have such tribunals, it was their duty to make them as perfect as human ingenuity could devise. From a paragraph which was inserted in Her Majesty's Speech from the Throne at the commencement of the present Session, and from an announcement

made in "another place," it seemed to be indicated that the Government were about to ask Parliament to extend the powers of those badly constituted Courts. It was under those circumstances that he offered their Lordships that small measure of judicial reform, either to accept it, or at any rate to gain the assurance that the Government would take the subject out of the hands of an independent Member, in which it ought not to be, into their own. He begged to move the second reading of the Bill.

Moved, "That the Bill be now read 2^d."
—(*The Earl of Albemarle.*)

LORD HAMPTON said, he hoped their Lordships would not accept the Bill of the noble Earl. He submitted to their Lordships that no case for the change proposed by him had been shown by the noble Earl—that no necessity existed for the proposed change, and that the change was in itself objectionable. On former occasions a similar proposition had been opposed from both sides of the House, and had been rejected, as he trusted this would be now. He was ready to concur with the noble Earl that it was not desirable that clergymen should be placed on the Commission of the Peace where a sufficient number of lay gentlemen could be found qualified for the exercise of magisterial functions; but he thought that was a matter which might be safely left to the discretion of the Lords Lieutenant of counties—it was, in fact, the principle on which the Lords Lieutenant acted at present, and he could state from his own experience that among some of our most valuable magistrates were clergymen who had been placed on the Commission. Clerical magistrates were especially useful in relation to poaching cases, where the landowners were looked upon as personally interested against the labourer, and in cases which frequently arose between landlord and tenant. For himself, he should greatly regret any change by which the magistracy should be separated from the local interests of their several counties. The noble Earl seemed to have omitted from his consideration one very important point—namely, the financial duties performed by the county magistrates. Now, it was most desirable that the fiscal affairs of counties should be conducted by gentlemen who had a local interest

The Earl of Albemarle

in the localities where the county rates were raised. He doubted that the landed qualification was a serious obstacle to the appointment of gentlemen who would come in under the noble Earl's Bill, because if a person had £300 a-year from personal property he was in a position to purchase a property in land of the annual value of £100. For these reasons he should move that the Bill be read a second time that day six months.

Amendment moved to leave out ("now") and add at the end of the Motion ("this day six months.")—(*The Lord Hampton*.)

EARL COWPER said, he should support the second reading of the Bill, for he could not but look upon the question raised by the noble Earl as one of very great importance. As Lord Lieutenant of a county his experience in that capacity led him to think that desirable men were excluded from the Bench by the existing property qualification. The proposal of the noble Earl had been before their Lordships' House on former occasions, when it had been argued that this qualification was a sham, and that the restriction, like all other restrictions, would be evaded. If it were a sham, that was a very good reason for not keeping it up—and, indeed, would be a very good argument for not requiring any qualification whatever. But the restriction could not be so easily evaded as was supposed. He knew, from his experience as Lord Lieutenant, that there was sometimes great difficulty in placing persons whom he knew to be well qualified for the magistracy upon the Commission of the Peace. The noble Lord who moved the Amendment (*Lord Hampton*), spoke of having the magisterial Bench filled by gentlemen who had an interest in the affairs of the county. Well, he believed there were in every county plenty of such men who would make valuable magistrates, and who would enjoy general respect, who were prevented from taking their position by the qualification required by the existing law. There were, for instance, agricultural tenants, men of practical good sense, who had a considerable interest in the financial affairs of the counties in which they resided; there were retired professional men, whose legal training would make their services on the Bench most valuable, but who were excluded by the restriction. He knew a case in

which a retired physician, who had been in large practice, found it very difficult to get appointed to the Bench. The Bill for the abolition of a property qualification for Members of Parliament, after being many times introduced into the House of Commons, and as often rejected, was at last carried under a Conservative Administration; and, in like manner, he hoped that this proposition for the removal of the landed qualification for the magistracy, which had been several times proposed and rejected, would finally be accepted under the present Conservative Government.

THE BISHOP OF PETERBOROUGH said, he had no intention of offering any remarks on the merits or demerits of the Acts which the present Bill was intended to amend, but wished to say a word or two with respect to the clerical magistrates, whose presence on the Bench had been alluded to more or less unfavourably by the noble Lords who had spoken on the Bill. As those reverend gentlemen were not represented in their Lordships' House, they might possibly expect a Bishop present at the debate say a word or two for them. He must say he entirely concurred in the general tendency of the observations of the noble Lords as to the great undesirableness of having clergymen on the magisterial Bench—in many respects that was not a thing to be desired—but his reasons for this opinion were very different from those which seemed to prevail with those noble Lords. He thought the appointment of clergymen to the Commission of the Peace was not to be desired; but not because he thought they made worse magistrates than laymen did; there was nothing in their previous education, in their intelligence, or in their habits of thought, to warrant any such conclusion. A distinguished countryman of his, about 100 years ago, described a country clergyman as a squire who was obliged to wear a black coat, say his prayers, and live on his own estate. There were, on the other side, circumstances under which a clergyman might make a better magistrate than a layman. He would, probably, be a better judge as between landlord and tenant, as between a game preserver and a poacher, and as between a rich man and a poor one. But he did not think it fair of the State to take the clergyman from his higher duties and put him to that work, and he felt that

he took it for granted that no Lord Lieutenant would recommend a gentleman for the position of magistrate who was not connected with the county for which the appointment was to be made; but he would remind their Lordships that several Lords Lieutenant had stated in that House that they had experienced great inconvenience and difficulty in finding proper persons for the office of county magistrates, without having recourse to beneficed clergymen; and most of them had concurred in the opinion that the appointment of clergymen was not desirable where competent laymen were to be had. If that were so, he thought a case had been made out for the change proposed by the noble Earl. For himself, he (Earl Granville) thought it a great evil that the youngest sons of Peers could not be appointed to the Bench; gentlemen who had practised at the Bar, and who resided in the counties; and gentlemen who had held office in the Colonies or at home, and who had administered large affairs. He agreed that it was better that clergymen should not be selected, and it seemed to be the general opinion of their Lordships that if other persons could be found clergymen should not be appointed. Notwithstanding that general opinion, they found by the Return produced on the Motion of the noble Earl (the Earl of Albemarle) that in almost all the counties a large number of clergymen sat on the Bench as magistrates, and that in the Eastern counties there was almost a preponderance. Now, all that this Bill did was to make wider the field from which a selection could be made by the Lords Lieutenant and the Lord Chancellor, and he hoped that their Lordships would not reject it without very careful consideration of the question on its merits—as he feared they had done on a previous occasions. But while attaching great importance to the subject, and desiring to see it set at rest as early as possible, he would advise his noble Friend not to press the measure in case the Government would undertake to deal with the whole question. He would just observe that there was a great want of a change in the law, to enable the local authorities in some districts to appoint stipendiary magistrates. Corporations of boroughs having 25,000 inhabitants could appoint, if they found the necessary stipend; but there were manufacturing and mining districts, as

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large as boroughs, in which there was no power to appoint such magistrates, and the consequence was that in some of those districts the magistrates were gentlemen connected with the manufactories and mines—a circumstance that placed their decisions under some degree of suspicion. He wished that the Government would seriously consider whether something could not be done.

THE DUKE OF RICHMOND said, that the noble Earl (Earl Granville) had made a charge against their Lordships that they had on former occasions rejected similar measures without due consideration; but this charge could not apply to the present Government or the present Bill, because this Bill was of a different character.

EARL GRANVILLE said, the present Bill was identical with the Bill of 1872.

THE DUKE OF RICHMOND said, he referred to those former measures, which the noble Earl himself had concurred in thinking ought not to be passed. It might be the case that at times the Lords Lieutenant found it difficult to fill the vacancies that occurred on the magisterial Bench of their respective counties; but he thought this difficulty seldom arose of late years: and as to the appointment of clerical magistrates, they had heard the statements of the noble Lord the Lord Lieutenant of Worcestershire on the one side and of the noble Earl the Lord Lieutenant of Bedfordshire on the other. He (the Duke of Richmond) certainly did not think that there was very much to complain of in the present practice of appointing magistrates. If a Lord Lieutenant should be required to inquire whether a man was always of a good temper, and was always likely to act wisely and well on the Bench, he was glad that he was not Lord Lieutenant of Sussex. He doubted whether the noble Earl (the Earl of Albemarle) had shown that there was a great necessity for this Bill. The noble Earl had singled out one or two counties in which a large number of clerical magistrates had been appointed; but that was no reason why they should alter the law of all the other counties. He would, however, advise his noble Friend (Lord Hampton) not to press his Amendment, in the hope that some arrangement of a satisfactory character might be come to in accordance with the suggestions of the Lord

second reading of this one; but he dissented from some of the arguments that had been advanced in its support. He knew many clergymen who made excellent magistrates, and he saw no objection to it; indeed, he quite concurred in the remark of the noble Earl (the Earl of Harrowby), that it was not desirable to have a strict line of demarcation in those respects between laity and clergy, and he believed that in some districts of the country it would be quite impossible to do without them. He himself, as a Lord Lieutenant, had experienced difficulty in finding a sufficiency of properly qualified laymen. He might further remark that clergymen were not appointed to the Commission as a matter of course; a special case had to be made for their appointment—otherwise the Lord Chancellor would object. Nor did he believe, whatever might have been formerly the case, that there was any class jealousy in the matter now; on the contrary, he objected to the present restriction as unreal, as assuming a social distinction which did not exist. A gentleman with a trifling income of £100 a-year from land did not really differ from his neighbour who had a larger income from personalty. As to what had been said about the importance of appointing men who had a personal interest in the financial affairs of the locality in which they were to act as magistrates, it was a mistake to suppose that object was attained by the present qualification. A man might be appointed a magistrate for Cornwall on a qualification derived in Northumberland. His only doubt with regard to the Bill was whether the qualification for personal property proposed was not higher than it need be.

THE LORD CHANCELLOR said, that as to the appointment of clergymen to the Bench, the rule was that when a Lord Lieutenant recommended a clergyman for appointment, the holder of the Great Seal requested him to consider whether there was any layman in the county better qualified for the position; and unless the Lord Lieutenant reported that it was quite impossible to find such a person, the holder of the Great Seal did not decline to appoint the clergyman; if such layman could be found, the appointment of the clergyman was refused. He (the Lord Chancellor) did not look upon this Bill as being one of great importance in regard to the changes which

it proposed. It placed greater power in the hands of Lords Lieutenant than they at present possessed, by giving them a larger range for selection, but he was not aware that any of them had expressed a desire for the change. He was greatly surprised to hear the noble Earl the Lord Lieutenant of Bedfordshire (Earl Cowper) argue in favour of the Bill that the present qualification was a sham, and that they had got rid of a property qualification for Members of Parliament. If the present qualification was a sham, it would be better to get rid of it than to substitute another sham for it. He took it for granted that when a Lord Lieutenant recommended a gentleman for the bench he looked at his connection with the county. It was difficult to imagine a Lord Lieutenant recommending any man for the office of a county magistrate without taking into account his particular interest in that particular county. Their Lordships all knew that the statute of George II. did not require that the landed estate which gave the qualification should be in the county for which the appointment was made; but he took it for granted that when a Lord Lieutenant considered whether he should recommend A. B. to be appointed a magistrate in the county he considered whether that person had property or at all events a residence in the county. He did not mean to say that there were not cases in which persons were appointed magistrates of a county without having either property or a residence in it; but such cases must be very rare. Now this Bill would make personalty to a certain amount a qualification, but personal property had no locality, it might consist in stock in some foreign loan; and he did not quite see why the possession of £300 a-year in the Honduras Loan should qualify a man to be a county magistrate in England. If this qualification were a rated residence, and in addition, the possession of a certain amount of personal estate, a desirable change might be made in the present law.

EARL GRANVILLE said, that the noble Lord opposite (Lord Hampton) who had moved the Amendment, had stated that this Bill was not wanted, and that it would be useless in operation. Now, if he (Earl Granville) thought that would be so, he should recommend his noble Friend behind him to withdraw his Bill. But the Lord Chancellor said

he took it for granted that no Lord Lieutenant would recommend a gentleman for the position of magistrate who was not connected with the county for which the appointment was to be made; but he would remind their Lordships that several Lords Lieutenant had stated in that House that they had experienced great inconvenience and difficulty in finding proper persons for the office of county magistrates, without having recourse to beneficed clergymen; and most of them had concurred in the opinion that the appointment of clergymen was not desirable where competent laymen were to be had. If that were so, he thought a case had been made out for the change proposed by the noble Earl. For himself, he (Earl Granville) thought it a great evil that the youngest sons of Peers could not be appointed to the Bench; gentlemen who had practised at the Bar, and who resided in the counties; and gentlemen who had held office in the Colonies or at home, and who had administered large affairs. He agreed that it was better that clergymen should not be selected, and it seemed to be the general opinion of their Lordships that if other persons could be found clergymen should not be appointed. Notwithstanding that general opinion, they found by the Return produced on the Motion of the noble Earl (the Earl of Albemarle) that in almost all the counties a large number of clergymen sat on the Bench as magistrates, and that in the Eastern counties there was almost a preponderance. Now, all that this Bill did was to make wider the field from which a selection could be made by the Lords Lieutenant and the Lord Chancellor, and he hoped that their Lordships would not reject it without very careful consideration of the question on its merits—as he feared they had done on a previous occasions. But while attaching great importance to the subject, and desiring to see it set at rest as early as possible, he would advise his noble Friend not to press the measure in case the Government would undertake to deal with the whole question. He would just observe that there was a great want of a change in the law, to enable the local authorities in some districts to appoint stipendiary magistrates. Corporations of boroughs having 25,000 inhabitants could appoint, if they found the necessary stipend; but there were manufacturing and mining districts, as

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large as boroughs, in which there was no power to appoint such magistrates, and the consequence was that in some of those districts the magistrates were gentlemen connected with the manufactories and mines—a circumstance that placed their decisions under some degree of suspicion. He wished that the Government would seriously consider whether something could not be done.

THE DUKE OF RICHMOND said, that the noble Earl (Earl Granville) had made a charge against their Lordships that they had on former occasions rejected similar measures without due consideration; but this charge could not apply to the present Government or the present Bill, because this Bill was of a different character.

EARL GRANVILLE said, the present Bill was identical with the Bill of 1872.

THE DUKE OF RICHMOND said, he referred to those former measures, which the noble Earl himself had concurred in thinking ought not to be passed. It might be the case that at times the Lords Lieutenant found it difficult to fill the vacancies that occurred on the magisterial Bench of their respective counties; but he thought this difficulty seldom arose of late years: and as to the appointment of clerical magistrates, they had heard the statements of the noble Lord the Lord Lieutenant of Worcestershire on the one side and of the noble Earl the Lord Lieutenant of Bedfordshire on the other. He (the Duke of Richmond) certainly did not think that there was very much to complain of in the present practice of appointing magistrates. If a Lord Lieutenant should be required to inquire whether a man was always of a good temper, and was always likely to act wisely and well on the Bench, he was glad that he was not Lord Lieutenant of Sussex. He doubted whether the noble Earl (the Earl of Albemarle) had shown that there was a great necessity for this Bill. The noble Earl had singled out one or two counties in which a large number of clerical magistrates had been appointed; but that was no reason why they should alter the law of all the other counties. He would, however, advise his noble Friend (Lord Hampton) not to press his Amendment, in the hope that some arrangement of a satisfactory character might be come to in accordance with the suggestions of the Lord

Chancellor. At the same time he totally divested himself of any connection with the much larger question of providing stipendiary magistrates for the mining districts.

LORD CARLINGFORD said, that, as Lord Lieutenant for a county, he had experienced the difficulty of finding persons, not clergymen, fitted for the position of magistrates; and he had a strong opinion against clergymen being on the bench—those gentlemen had other duties to perform; but, assuming that they were to be called upon to act in that capacity, a competent clergyman might not be found where he was needed. The only argument he had heard against the Bill which had any weight in his mind was, that which insisted on the anomaly of gentlemen having the disposal of county rates without being rate-payers themselves. He trusted the suggestion of the Lord Chancellor would be accepted.

LORD HAMPTON said, that though not in favour of the Bill he would not, after what had fallen from the noble and learned Lord on the Woolsack and the noble Duke the Lord President, press his Amendment to a division.

Amendment (by leave of the House) *withdrawn*: Then original Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House, on *Tuesday* the 27th *instant*.

INDIAN LEGISLATION BILL—(No. 46.)
(*The Marquess of Salisbury.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE MARQUESS OF SALISBURY, in moving that the Bill be now read the second time, said, that though the House was not very large at that moment, yet it would hardly be respectful to the great interests affected by the Bill not to state its provisions at this stage of its course. This was a Consolidation Bill. He might explain that, in the first instance, it had been intended to consolidate all the Acts relating to India and its Government, and such a measure had been earnestly wished for by the Government of India for some time past. But an unobserved revolution had taken place in the House of Commons which made legislation exceed-

ingly difficult—he alluded to “the half-past Twelve” Rule, [which had an absolutely extinguishing effect upon Bills of that kind. He therefore proposed to confine the operation of the Bill to the consolidation of the Acts relating to one of the most important branches of the law—that which applied to the legislative power of the Council of the Governor General of India to pass statutes for that country. In doing this he proposed to make some alterations in the law which chiefly concerned the Courts of Law in India, and to declare that the measures passed by the Legislative Council were not *ultra vires*. The Courts of India had assumed a power of which in England they knew nothing. Parliament in this country was supreme, and the Courts of Law never ventured to say that the Acts of Parliament were *ultra vires*; but under the Act giving power to the Legislative Council of India, the Courts in that country had assumed a jurisdiction analogous to that entertained by the Supreme Court at Washington; that jurisdiction, moreover, was not confined to the Supreme Courts, but was exercised by the lowest Courts of Summary Jurisdiction in every part of India. That provision of the Act recognized the necessity of imposing certain limits on Acts of the Legislative Council. He did not propose to interfere with the power of limitation, but to alter the machinery by which those limits were worked out, and the power of the Courts of Law brought to bear upon them. Section 22 of the Indian Councils Act restrained Governors General from making laws which should repeal or “in any way affect” any provisions of Acts therein specified. Obviously, the intention of the framers of that Act was that no laws inconsistent with the Acts in question should be passed; and from this mistake a great deal of inconvenience had arisen. On one occasion the Legislature of Bombay gave powers to a small Court to deal with offences in the streets, and this was held to affect the jurisdiction which had been previously given to a High Court. In this state of things inconvenient decisions had been given, and it was part of the Bill to prevent such decisions being given in future. A more important alteration was that which related to the legislative power of the Governor General of India in Council. In the Indian

Council Act the Governor General in Council was restricted from making any law which might affect the authority of Parliament, or the constitutional rights of the East India Company, or any part of the unwritten law or Constitution of the United Kingdom of Great Britain and Ireland whereon might depend the allegiance of any person to the Crown of the United Kingdom. That provision in the law had been productive of the greatest doubts. In the case of the Wahabee conspirators Mr. Chisholm Anstey had argued that the unwritten law of Great Britain was violated by any legislation affecting the social contract, and on that ground he impugned the authority of the Government of India to make the law under which the conspirators were arrested, and called on the people to resist it. The Act was a useful one, and some of them might have wished during the discussion of last night that it had been in operation in some of our Colonies. The Judges listened with regret to Mr. Anstey's argument, but admitted that there was some excuse for it in the ambiguity of the Act which it was the object of the Bill to remove. It was quite clear that if we were to give to any Courts the power of declaring that the Acts of the Indian Legislature were *ultra vires* in respect of certain particular excepted laws, there ought to be no doubt as to the limits of that Legislature's action. The limitation ought to be expressed in clear and unambiguous language; and he went further and said that if we were to have the Acts of the Legislature of India revised by a Court, the revision should be made by the Court of the highest dignity. He, therefore, proposed that no Court in India should have power to say that the Acts of the Legislative Council were invalid as being *ultra vires*; but if the Supreme Courts of the Presidencies were of opinion such was the case, they might by three of their Members represent the facts to the Government of India, who should transmit them to the Secretary of State, by whom in turn they should be submitted to the Judicial Committee of the Privy Council. In re-enacting Her Majesty's power of disallowance, he proposed to extend it to laws or parts of laws, to avoid the inconvenience of not being able to consider a part of a whole code. He further proposed by the Bill to re-

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move any doubts as to the validity of certain regulations made by the Bombay and Madras Councils before full statutory power had been given them. While he was responsible for the Bill, he would acknowledge that it had been prepared by Mr. Fitzjames Stephen, than whom no more capable draftsman could have been charged with the duty.

Moved, "That the Bill be now read 2^d."
—(*The Marquess of Salisbury*.)

VISCOUNT HALIFAX said, he would willingly testify his approval of the course taken by his noble Friend in consolidating the law with the assistance of so able a draftsman. He wished however to observe that the anomalies to be corrected came into existence before his official responsibility in connection with Indian affairs. He thought it was right in principle, if the Court was of opinion that an Act was *ultra vires* of the Legislative Council, that it should make a report to the Governor General; but he did not quite see how the provision would work. What was to happen in regard to the case before the Court out of which the necessity of reporting arose? Were all proceedings in the case to be suspended in the meanwhile? That was, perhaps, a point which could best be dealt with in Committee on the Bill; but he had thought it well to call attention to it at the earliest opportunity, in order that it might be duly considered.

THE MARQUESS OF SALISBURY said, he should like to consult legal authority before committing himself to an opinion on the point; but it was very possible that it might be desirable to insert in the Bill words enabling the Court in India to suspend all proceedings in the case before it until the question of the validity of the Act had been decided at home.

LORD LAWRENCE was understood to express the opinion that the modification of the law embodied in the Bill before the House was one of much value and importance. The proposal of the noble Marquess would allow the law to be acted upon, and at the same time prevent injustice.

Motion agreed to; Bill read 2^d accordingly and committed to a Committee of the Whole House on *Monday* next.

House adjourned at a quarter past Seven o'clock, to Thursday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Tuesday, 13th April, 1875.

MINUTES.]—**SELECT COMMITTEE**—Corrupt Practices Prevention and Election Petitions Acts, Mr. John Talbot *disch.*, Mr. Carpenter Garnier *added*; Banks of Issue, *appointed and nominated*.

PUBLIC BILLS—*Select Committee*—Dover Pier and Harbour [84], *nominated*.

Considered as amended—Bank Holidays Act (1871) Extension and Amendment [30].

Third Reading—Public Health (Scotland) Provisional Order Confirmation (Nos. 1 and 2)* [92-93]; Local Government Board's Provisional Orders Confirmation* [112], and *passed*.

PRISONS IN IRELAND.—QUESTION.

MR. O'SULLIVAN asked the Chief Secretary for Ireland, If it is a fact that there are about four times as many prisons and bridewells in Ireland as are required for the average number of prisoners in that Country; and, if so, whether the Government is prepared to bring in a Bill to amalgamate some of those prison establishments, and thereby relieve the cesspayers from unnecessary taxation?

SIR MICHAEL HICKS-BEACH, in reply, said, that he could not say that there were four times as many prisons as were required, though the statement would be quite true, to say the least of it, with regard to bridewells. His attention had been directed to the subject, and he hoped to bring in a Bill to deal with it.

FRENCH LABOUR LAWS COMMISSION.
QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether the Government has received a Copy of the Report of the French Labour Laws Commission, and whether they will consent to the publication of that document, or of so much of it as relates to the treatment of Indian Coolie labourers in the French Colonies?

MR. BOURKE, in reply, said, Her Majesty's Government had not received a Copy of the Report, but they had received an extract from it. As the French Government had not published it themselves, Her Majesty's Government were not at liberty to publish the

extract. He was sorry, therefore, he could not do what the hon. Baronet desired.

EMIGRATION OF CHILDREN TO
CANADA.—QUESTION.

MR. HOPWOOD asked the President of the Local Government Board, Whether he will lay upon the Table all Correspondence relative to the emigration of children to Canada and to Mr. Doyle's Report thereon; and, if he will state to the House whether he has taken any and what steps in regard to the said emigration?

MR. SCLATER-BOOTH, in reply, said, that Mr. Doyle's Report was a subject of communications now going on between the Colonial Office and the Government of Canada, and there was no Correspondence which could at present with propriety be laid on the Table. He (Mr. Sclater-Booth) had not as yet taken any steps with regard to this form of emigration, and he saw no prospect of being able to do so at present.

CHURCHES AND MANSES (SCOTLAND).

QUESTION.

MR. M'LAREN asked the Lord Advocate, On what day he intends to introduce the Bill respecting the rates levied in Scotland for building and repairing Churches and Manses, which, in his speech, on 8th July last, he undertook to bring in during the present Session?

THE LORD ADVOCATE: Sir, the subject of assessments for the building and repairing of churches and manses in Scotland has been repeatedly under my consideration. I regret that, owing to circumstances beyond my control, I have not yet been able to submit a matured proposal to the Government; but I have hopes that I may be able to introduce some measure on the subject during the present Session.

ARMY—NON-COMMISSIONED OFFICERS.

QUESTION.

MR. RIPLEY asked the Secretary of State for War, If he would state to the House how many non-commissioned officers have obtained commissions in those branches of the Service which have been affected by the abolition of the purchase system since that Act came into operation; and, how many non-commissioned

officers obtained commissions in those branches of the Service affected in the corresponding number of years previous to the abolition of the purchase system?

MR. GATHORNE HARDY: Sir, between the 1st November, 1871, and the 31st March, 1875, the number of non-commissioned officers appointed to sub-lieutenancies, quarter-masterships, and riding-masterships was, 106; the number appointed between the 1st of June, 1868, and the 31st of October, 1871, was 61.

MERCHANT SEAMEN'S FUND—PENSIONS TO SEAMEN.

QUESTION.

MR. STEWART asked the President of the Board of Trade, Whether Her Majesty's Government is prepared to recommend to Parliament an increased Vote for Pensions of those Seamen (and their dependants) who have contributed to the Merchant Seamen's Fund, and have complied with the necessary requirements entitling them to receive pensions?

SIR CHARLES ADDERLEY: Sir, the Government have no intention of recommending an increased Vote for the purpose referred to. The rates of pension now in force were fixed after the passing of the Merchant Seamen's Winding-up Act in 1851, under which the Government undertook the administration of the Merchant Seamen's Fund. They were the average of the rates existing at the different ports at which the funds were formerly administered by local trusts, many of which had become bankrupt. The contributions by seamen to the fund have been quite inadequate to meet the payment of the pensions, and the cost of taking over the fund has been very great already to the country—about £1,000,000 sterling. It will still be many years before these pensions run out.

TAXATION OF BEER OR MALT ABROAD.

QUESTION.

MR. STORER asked Mr. Chancellor of the Exchequer, Whether, in view of the "Replies" and "Further Replies" to the Letter from the Treasury to Lord Granville, dated January 1874, asking for information as to the system of taxing Beer or Malt in Foreign Countries,

Mr. Ripley

comprising America, France, Prussia, Russia, Austria and Hungary, Denmark, Belgium, Saxony, Wurtemberg, Darmstadt, the Netherlands, Bavaria, Sweden and Norway, Italy and Switzerland, he has taken them into consideration; and, whether, seeing that in nearly all those Countries (except Belgium) Beer brewed for domestic agricultural use is untaxed, and Malt may be freely used for the purpose of feeding Cattle without tax, he is prepared to adopt any measures for placing the British agriculturist on a footing of equality with his Foreign rivals (who compete with him in our markets) in the production of corn, meat, and dairy produce?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the subject had engaged his attention, and he had had communication with the Inland Revenue authorities, but had not been able to see his way to any arrangements by which any further facilities for the production of malt for feeding purposes could be given than were given at present, unless the Government were to change the whole system upon which the malt and beer duties were collected, and any such alterations must cause great loss to the Revenue.

NAVY—THE ARCTIC EXPEDITION—CHAPLAINS.—QUESTIONS.

MR. HANBURY TRACY asked the First Lord of the Admiralty, How many gentlemen forming a scientific staff have been nominated to accompany the Arctic Expedition; and, if, as in accordance with his statement, the cabin accommodation is too limited to enable him to appoint a chaplain, he will take into his consideration the desirability of cancelling the nomination of one of these scientific officials, so as to appoint a gentleman who might combine a special scientific qualification with that also of being in holy orders?

MR. HUNT: As there are several Questions on the Notice Paper relating to this subject for future days, and as it appears that considerable interest is taken in the matter, perhaps I may be allowed to give a rather fuller explanation than I could do by simply answering the Question of the hon. Gentleman. The Arctic Expedition is to consist of two ships, one to carry 62 men, and the other 59—that is, officers and men in-

cluded. Those ships are intended to winter about 200 miles apart. None of Her Majesty's Ships carrying less than 170 men are provided with a chaplain. Nevertheless, considering the peculiar nature of the service, and the length of time during which the Expedition is likely to be away, I should have been glad to have treated the case specially, and to have appointed a chaplain to each ship; but the difficulty has arisen which always is experienced with regard to Arctic Expeditions—namely, a want of space. There is no instance, so far as I can learn, by a search of the history of these Expeditions, of any chaplain having been carried in an Arctic ship, except in 1821, when a gentleman who had been appointed Astronomer to a previous Expedition had, before the starting of the Expedition of 1821, taken orders. He was appointed Astronomer to the ship and chaplain also. Each ship is to carry stores and provisions for three years, and it may be well supposed that they occupy a considerable space. With regard to the ships that have been selected for the purpose, the space in their holds is considerably curtailed by the internal strengthening that they have received in the Dockyards in order to fit them to encounter the ice. In addition to that the usual compliment of officers for ships of this size has been supplemented in order to provide for the sledging parties. The calculation is that five sledging parties can be equipped from each ship, with an officer at the head of each party. Besides the extra number of executive officers we have appointed two doctors to each ship. That, of course, adds to the amount of accommodation required. The result is that room for only one scientific person can be found on board each ship; and my hon. Friend asks me whether the nomination of one of these gentlemen cannot be cancelled to allow a scientific chaplain to be taken instead. Supposing that were done with regard to one of the ships, we should still leave one ship without a chaplain, and the difficulty of complying with this suggestion is further enhanced by the fact that the scientific members of the Expedition were not selected by the Admiralty, but by the Royal Society, for their peculiar qualifications for the post. I have made inquiries of the Admiral Superintendent at Portsmouth, under whose direction the ships

have been fitted out, as to the possibility of finding by any means room for a chaplain on board in addition to those who are intended to take part in the Expedition; and what he says is this—

"It would not be possible to do so without seriously encroaching upon the space required for provisions and stores."

The fact is that every cubic foot of space has been appropriated in the most exact manner for different purposes connected with the Expedition. I think my hon. Friend and the House will see that, under these circumstances, the difficulty of appointing a chaplain to the Expedition is very great.

MR. CHILDERS: May I ask how many naval officers are appointed to each ship?

MR. HUNT: There will be a captain and commander on board the foremost ship, and a captain on board the second ship; four lieutenants and one sub-lieutenant besides in each ship, in addition to the engineers and medical officers.

IRELAND—AMERICAN RIFLEMEN.

QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, If his attention has been called to the fact that a number of American gentlemen intend visiting Ireland, in the coming summer, for the purpose of competing, on the part of America, in an international rifle-shooting match, and that some of the Irish municipalities, and the Irish people in general, are anxious to accord to those representatives of American riflemen a cordial and hearty welcome; whether it is true that immediately on landing in Queenstown those gentlemen will be liable to arrest and imprisonment for having and carrying their rifles without a licence from the police authorities; and, whether it is the intention of Her Majesty's Government to present to those American gentlemen, immediately on landing, the requisite licence to have and carry their rifles while in Ireland?

SIR MICHAEL HICKS-BEACH: I have learnt, Sir, the fact that some gentlemen who are the representatives of rifle-shooting in America intend to visit Ireland in the summer for the purpose of engaging in an international shooting match, and I feel assured that all classes of Irishmen, including the Government, will give them, as the hon. Member

states, a cordial and hearty welcome. Those gentlemen are doubtless law-abiding citizens in their own country, and as such will not be likely to break the laws of any country they may visit; therefore, they will no more render themselves liable to arrest and imprisonment for having rifles in their possession than the number of gentlemen, both English and Scotch, who annually visit Ireland for sporting purposes. I am not aware that any real inconvenience is caused to peaceful visitors to Ireland by the special provisions of the law of the country relating to arms; but if it should appear necessary, at the time, to make any special arrangement to secure that these gentlemen shall not be inconvenienced, the Government will be prepared to make it.

Mr. SULLIVAN begged to observe that the right hon. Gentleman had omitted to answer the most important part of his Question. According to law these gentlemen were liable to arrest on landing at Queenstown.

Sir MICHAEL HICKS-BEACH: If they do not wilfully break the law they will not be liable to arrest.

Mr. SULLIVAN: I give Notice, Sir, that I shall put the Question in another form—namely, whether these gentlemen having their rifles in their trunks will not be wilfully breaking the law.

PARLIAMENT—PRIVILEGE—(PUBLICATION OF PROCEEDINGS OF FOREIGN LOANS COMMITTEE).

Mr. CHARLES LEWIS: Sir, the Notice Paper which has been distributed amongst hon. Members will have conveyed to their minds the reason why I venture to trouble them on the present occasion. The question I have to bring under their notice is one of Breach of Privilege, and I assure the House that I feel the utmost confidence, that when I come to the conclusion of the short statement I think it necessary to make, the House will be of opinion that although I may have interrupted their deliberations, it has been in the cause of right and justice. I think that at this time of day it would be an idle and ludicrous thing if any hon. Member were to get up and complain of a technical breach of those ordinary Rules of the House which are intended to produce good general results, but which are not in-

tended to be enforced, unless in exceptional cases, when some great breach of them has been committed; but when the honour of a Member of this House is concerned—and indeed the dignity of the House itself—I am satisfied that I shall not appeal in vain for a patient hearing and an impartial consideration.

“It is not meet

That every nice offence should bear its comment”

in dealing with the Rules of this House, and if I had not to bring before the House the case of a Member, who is personally unconnected with myself, and with whom I was unacquainted until the other day, I should not have ventured to intrude myself upon the House. Sir, I venture to say that it is one of the well-established Rules of this House that in the case of a Select Committee, no person outside that Committee has any right to print or circulate evidence which is in course of being taken and on which that Committee has not deliberated. It is not necessary to quote an authority for that proposition; but so late as the 21st of April, 1837, it was resolved by this House—

“That, according to the undoubted privileges of this House, and for the due protection of the public interest, the evidence taken by any Select Committee of this House, and the documents presented to such Committee, and which have not been reported to the House, ought not to be published by any Member of such Committee, nor by any other person.”

And, Sir, that Resolution has not remained unexercised, or unused. I believe there are precedents in the Journals of the House having exercised its plenary authority of imprisonment on those who have offended in this respect. It will be in the recollection of every one here that very early in the Session a Committee was appointed on a subject which engrossed a great deal of public interest—the subject of the way in which certain Foreign loans were effected in the English market by divers Governments, especially in connection with certain South American Republics, and the transactions connected therewith. A large part of the community had had great reason to complain, if not of positive fraud, still of transactions that savoured very much of it. Upon the occasion of that Committee being moved for, I took the liberty of making a few observations in furtherance of the

Sir Michael Hicks-Beach

views of the hon. and learned Gentleman who proposed it (Sir Henry James). I was aware that considerable anxiety was felt by many not undistinguished Members of this House as to what the result might be of appointing a Select Committee to fulfil a new and delicate duty; but I confess I never thought that, when that Committee had sat not more than five or six times, an instance of grave doubts on the part of hon. Members as to the expediency and propriety of entering upon so delicate, if not dangerous, a task would have to be presented to the House in the interests of substantial justice, and for the purpose of vindicating the honour of an hon. Member of the House. On the 22nd March last, the hon. Member for Gravesend (Captain Bedford Pim) was examined. I happened to be present during part of that examination, and I will only say of it that it was at least a very strong sort of examination.

MR. LOWE: I rise to Order. As Chairman of that Committee, Sir, I must request your opinion as to whether it is competent to the hon. Gentleman to go in full House into the matters that pass within that Committee before they have reported to the House?

MR. SPEAKER: It is not competent to the hon. Member to refer to matters which have arisen in the Committee. The hon. Gentleman should adhere as strictly as possible to the matter he wishes to bring before the House, which I understand to be that *The Times* and *Daily News* newspapers have published articles which he considers to constitute a breach of Privilege. The proper course would be that those articles should be read by the Clerk at the Table, and the hon. Member, in raising the question of Privilege, should confine himself to the points raised in those articles.

MR. CHARLES LEWIS: Perhaps I went a little beyond the point that I intended to raise. I merely wished to let the House know as a matter of fact that Captain Bedford Pim was examined on the 22nd of March.

MR. LOWE: I rise to Order again. I submit that if the hon. Gentleman is allowed to go into this, it will be expected from me that I should answer him, and I maintain that it is entirely contrary to my duty to answer him upon anything done by the Committee while the dele-

gation continues. When it is over, of course the House can go into it.

MR. CHARLES LEWIS: I will proceed, Sir, at once to the complaint I have to make. It is that in *The Times* of the 9th instant and in *The Daily News* of the same day, under the heading of "The Committee of Foreign Loans," it is stated that the Committee had sat the day previously, and the evidence taken before the Committee is then set out. It is also stated that Mr. Lowe said, he had received a letter in French from M. Herran, the Honduras Minister at Paris, which was read to the Committee in English by Mr. Kirkman Hodgson. To this letter, and especially to the opening paragraph of it, I will call special attention. The letter commenced—

"Paris, April 7, 1875.

"To the Right Honourable Robert Lowe,
"Chairman of the Committee on
"Foreign Loans, London.

"Sir,—Absent from Paris more than a month, I returned only the day before yesterday, and could not at an earlier period reply to the attacks of Mr. Bedford Pim, which are reported in the journals, *The Times* and *The Daily News*, of the 23rd of March last. Although I am not fond of controversy, I cannot pass over in silence the false and calumnious allegations of Mr. Bedford Pim, who is unable to pardon me for having done my duty in preventing him from emitting a loan of £2,000,000 in Paris, on the 26th of December, 1872, under the false title of Special Commissioner of Honduras. I say 'false title' because he was never named by the Government, and besides, the guarantees which he offered were illusory and without value, considering that the domains and forests, like all the other revenues of the State, were already hypothecated for the purposes of the first two loans, English and French, say for £3,000,000. Mr. Bedford Pim declares that if I prevented the loan, it was because he was unwilling to consent to give me £40,000 for myself, and £16,000 for the Consul General, sums which we had caused to be demanded of him, says he, by the mediation of Messrs. Dreyfus Frères, the bankers, and he adds that if he did not consent to give this sum it was because such an act was alien from the habits of English sailors, I will ask Mr. Pim if the end he sought, to draw to himself from the savings of the French nation, without legal authorization, £2,000,000, is according to him one of the habits of English sailors. I leave to the Committee the decision on this point.

"The house of Dreyfus Frères, quoted by Mr. Pim, with the object of giving to his declaration an air of veracity, is not known to me. I defy him to prove that I have ever had direct or indirect relations with it.

"As to the charge of having denounced him to the French Police to procure his imprisonment, there is no word of truth in it, but it suited Mr. Pim to present himself before his countrymen as a martyr. Encouraged by the

marks of sympathy which he obtained at the London Tavern on the 10th of January, 1873, when he roused his complaisant audience against me, he thought he could continue with impunity to play his rôle of calumniator against the agents who performed their duty strictly and honourably, and serve as the salaried instrument of those who ruined an international work calculated to render immense services to commerce all over the world—such is the part played by Mr. Pim. As for the £70,000 sterling which Mr. Pim says he paid for the arrears of interest on the French Loan with the funds coming from the English Loan of 1870, that is impossible, seeing that the dividends of the French Loan were always regularly paid with the money coming from the Paris Loan, of which the following is a proof.

"In July, 1870, Messrs. Bischoffsheim and Co. received in bonds and money the amount of the French Loan, 28,808,800*fr.*, and Messrs. Waring Brothers, contractors, had received in March 1,543,275*fr.*, making in all 30,352,075*fr.*, on undertaking to carry out the agreement come to between the Government of Honduras, Messrs. Bischoffsheim, and Waring, on the 2nd of July, 1870. I write this to show that the declaration of Mr. Pim is erroneous on this part as on all others.

"That Mr. Pim did not remain longer in prison is through my intervention with his Excellency Lord Lyons, with whom I interested myself to bring him out on the day on which he wrote the letter enclosed.

"When Mr. Pim naïvely declares that he resigned his post as Special Commissioner of Honduras because he could not obtain my dismissal from the Government, that proves that my Government did never nominate him, but had estimated him at his true value. Besides the official decree of the 1st of March, 1873, of the President, approves my conduct, and declares that Mr. Pim has never been Special Commissioner, and that no one had the power or right to appoint him.

"I believe I have sufficiently refuted the defamatory and calumnious attacks of Mr. Bodford Pim, and counting on your well-known impartiality, I have the honour to beg you to cause my letter to be published in *The Times* and *The Daily News*. Accept the assurances of, &c.,

"VICTOR HERRAN,

"Honduras Minister in Paris.

"P.S.—If you should desire other information, I shall make it my duty to furnish it to you. I put myself entirely at your disposal."

Now, Sir, I have drawn the attention of the House to the fact that the proceedings of the Committee have been published in *The Times* and *The Daily News* of April 9. I have read what gives point to this—that, under the guise of the publication of the inchoate and incomplete proceedings of this Committee, a document has been printed and circulated all over the world which, I venture to say, is as great a libel as ever was published, and upon which, but for the cover thrown over it as being part of the

proceedings of the Committee, a criminal indictment would lie. Is not this a case in which the House should inform itself how it came to pass that this letter passed bodily into these two newspapers? On looking into the other newspapers I discover that they give merely a summary of it. By the action of the two papers in question, therefore, evidence given by Captain Pim before the Committee on oath is allowed to be contradicted in the outer world, by means of the public Press, in a letter written from Paris, without any means of identifying the writer, without any verification of the signature, without the writer submitting himself to examination or cross-examination, although the accusations of the letter are directed against a Member of this House, and charge him with falsehood in his testimony and iniquity in his conduct. Is it right that such statements should be put forth in such a manner, in contravention of the testimony of a Member of this House? In dealing with this matter I should like to act in accordance with the precedent adopted on a similar occasion, as recorded in the Journals of this House. I should like to call the printers of *The Times* and *The Daily News* to the bar of this House, and to ask them from whom did they receive this document which enabled their newspapers to print this letter at full length all over the world? I desire to ascertain who are the real offenders in this matter who have circulated these libels broadcast over the world. The letter contains a charge of personal and pecuniary fraud against the hon. Member for Gravesend, and there is a direct allegation of falsehood made against him. The hon. Member has therefore been libelled by two newspapers in doing that which by itself might have been brought under notice as a breach of Privilege. Therefore, I say, we ought to have these gentlemen here in order that we may ascertain who is responsible for the setting in motion this libel, what foundation there is for it, and why the proceedings of the Committee have been published. What is the foundation for the Rule of the House that the evidence taken by Select Committee shall not be published before their Reports are laid on the Table of the House? It is a rule of convenience and a rule of justice: of convenience, because delicate and important matters

Mr. Charles Lewis

are considered which ought not to be laid before the public in an incomplete and ragged way, so that the statements and allegations made before the Committees should not be published to the world until the whole state of the case has been ascertained. It is well that the conventional rule in these cases should be observed, for it is the rule of simple justice. From the first day the Committee sat until now the inquiry was—

MR. SPEAKER reminded the hon. Gentleman that he was now referring to what had taken place before the Committee, and was therefore transgressing the Rule of the House.

MR. CHARLES LEWIS: At all events, I may be allowed to say that the object of the Committee was to inquire into transactions of a very delicate nature, which itself made the Rule of the House a rule of convenience and of justice. It is not necessary for me to do more than to say that I have pointed out what the Rule of the House is. I have pointed out also that that Rule has been broken, and that in breaking it a most serious injury has been done, at all events for a time, to a Member of this House. Under these circumstances, Sir, I beg leave, first of all, to move that the Clerk at the Table do read the commencement and end of the reports which appeared in *The Times* and *The Daily News* newspapers, on the 9th April instant, of the proceedings and evidence taken before the Select Committee on Foreign Loans on the 8th instant, in breach of the privileges of this House, in order that we may have proof before us of what facts were presented in those reports.

[Complaint made by Mr. Charles Lewis, Member for Londonderry, of the publication in "*The Times*" and "*Daily News*" newspapers on the 9th April instant of the proceedings and evidence taken before the Select Committee on Foreign Loans on the 8th instant, in breach of the privileges of this House.]

MR. SPEAKER: Will the hon. Member bring the articles up to the Table?

[Copies of those newspapers put in, and extracts proving the publication of the Proceedings and Evidence of the Select Committee on the 8th instant read.]

MR. CHARLES LEWIS then moved—

"That the publication in '*The Times*' and '*Daily News*' newspapers on the 9th April instant of the proceedings and evidence taken before the Select Committee on Foreign Loans on the 8th instant is in each case a breach of the privileges of this House."

MR. BIGGAR seconded the Motion.

Question proposed.

MR. W. M. TORRENS said: I should like, Sir, for my own information and those around me, to be allowed to put a question to the Chairman of the Committee, though not as regards any of the subjects considered in that Committee, or of the manner of their consideration—the delicacy regarding which has been so well brought to the recollection of the House by you, Sir, within the past few minutes—but before we call, or are asked to call, two great organs of public opinion before us, evidently with purposes of disfavour and with the intention of rebuking their presumption, I think we owe it to ourselves to know whether they have been tempted into a disregard of the old practice of the House by any circumstances which may have arisen in the conduct of the Committee. That I may not be misunderstood, I wish, on the authority of a right hon. Gentleman with whom I have been in communication in the last few minutes, to ask whether provision is not made in the Select Committee room, by the usual accommodation of tables, chairs, and stationery, for the reporters of *The Times* and *The Daily News*; and whether they have not frequently, if not continuously, exercised their vocation with the knowledge, cognizance, and, presumably, with the sanction of the Committee. When that question has been answered, it will be time enough to consider whether that is a variation from the old practice. All I can say is this, that having sat upon Select Committees frequently in past Parliaments, I never saw such provision made; and although I have known incidentally that the old rule of exclusion has been evaded, I have never known the fact brought to the cognizance of the Select Committee of which I was a Member, nor do I know of a Committee of the nature of that which is now sitting, in which the rule has been disregarded. My question, therefore, will be—if I am permitted to put it to the Chairman of the Committee—whether it is the case that the public Press has been, with his

sanction and cognizance, constantly present during the whole of the evidence taken before him, and whether the Committee have not been aware that the proceedings were reported *de die in diem* in the London Press?

Question,

"That the publication in 'The Times' and 'Daily News' newspapers on the 9th April instant of the proceedings and evidence taken before the Select Committee on Foreign Loans on the 8th instant is in each case a breach of the privileges of this House,"

put, and—a few voices declaring for the "Noes"—*agreed to.*

Motion made, and Question proposed,

"That Mr. Francis Goodlake, the printer of 'The Times' newspaper, do attend at the Bar of this House on Friday next, at half-past Four o'clock."—(*Mr. Charles Lewis.*)

MR. DISRAELI: Sir, I was somewhat surprised that the first Resolution moved by my hon. Friend the Member for Londonderry should have been questioned by any hon. Member of this House, and less surprised at the result, because, upon reflection, it is impossible to deny that there has been a clear breach of Privilege in the publication which he has brought under our consideration. But, Sir, the feelings with which we approach the second Resolution of my hon. Friend are of a different character. In what spirit do we approach the consideration of the conduct brought before us? It is not one of vengeance for the breach of Privilege which has been committed, because we acknowledge by the practice of this House—the courtesy of this House at least—that that act which has been described to-night—and been justly and technically described—as a breach of Privilege—is one which, if discreetly and properly exercised, is very conducive to the public benefit and not at all injurious to the honour of this House. But, Sir, there can be no doubt that when the honour of an individual Member of this House is impugned by means of this machinery it does become this House—and it is the duty of the House—fairly and candidly to consider the state of the facts before it. There is no doubt that a libel has been printed and has been circulated in these newspapers against the conduct and character of a Member of this House, and it is our duty to take notice of such a circumstance when it is brought before

us. But if the object of summoning the printers of these newspapers before us be only to ascertain the means by which this publication—this offensive publication took place—we must remember that it may be possible by other means to obtain the information that is required, and if it be in the power of any Gentlemen who are Members of this House to throw light on the conduct which is in question, I think that, instead of bringing to the Bar of the House these honest and innocent people, who were exercising a function which is beneficial to the public—I think that instead of putting them through the trouble of being summoned before the Bar of this high Assembly, it would be better if we can to obtain the information which is the only object in view, by other means; and I submit to you, Sir, that is a course which is highly desirable. Now, Sir, there are circumstances upon the surface of this narrative which I believe are not questioned, and which seem to point out that there are other means in this House of obtaining that information. We know that this libel was addressed to the Chairman of the Committee—we know that there were directions in the letter regulating the mode by which the desired publication of the libel should take place—and we know that the publication of the libel occurred exactly in the manner desired by the writer. And if there be any Member of the Committee, from the Chairman himself to those who have been least interested in the conduct of this investigation—if they have any information in their possession which can throw light upon the question, and which can at once inform the House by what means this publication occurred—I think it is not desirable that we should support the second Resolution of my hon. Friend.

THE MARQUESS OF HARTINGTON: I think, Sir, that any surprise that may have been felt as to the manner in which the first Resolution was received by a portion of the House might have been removed if the right hon. Gentleman had thought fit to give the benefit of his opinion and advice at an earlier moment. Upon further consideration, I think that the House arrived at a just decision in assenting to what is, in fact, evidently a truism—that a breach of Privilege has been committed in this case, as in many

Mr. W. M. Torrens

other cases, in the publication both of the debates of this House and the evidence taken before Committees. The right hon. Gentleman appears to think that there is greater doubt about the Resolution now submitted to the House, and that the necessity of summoning the printers of these newspapers to attend at the Bar may be obviated by the House—that the House may obtain the desired information by other means. I can only understand the observations just made by the right hon. Gentleman as an invitation to my right hon. Friend the Member for the University of London (Mr. Lowe) to state what he knows of these circumstances in his character as Chairman of the Committee. Now, Sir, my right hon. Friend has not risen, and I believe does not intend to rise, to make any statement to the House on the question, because he does not think that it is his duty as Chairman of the Committee, and does not think that it would tend to promote the object for which the Committee was appointed, were he to transgress the ordinary Rules of the House, which prevent discussion of a matter that is yet pending before a Committee of this House. When the proceedings of that Committee are at end my right hon. Friend will have no objection to answer for anything, or give any information to the House, as to what has taken place in the Committee, or to defend any conduct for which he, as Chairman of the Committee, may be responsible. But my right hon. Friend does not think that he would be justified, or that it would be desirable that he should enter into any discussion whatever at the present time as to the proceedings which have taken place in the Committee. Therefore, Sir, if the House desires that any information should be obtained as to the libel which is said to have been incidentally committed by the publishers of these newspapers, I presume that the right hon. Gentleman will object to the Motion that the printers be summoned to the Bar of the House. I am not a lawyer, and I cannot therefore pretend to give to the House any authoritative opinion upon the subject; but as to one observation which fell from the hon. Member for Londonderry as to what is said to be the protection which publishers of newspapers enjoy from actions for libel on account of their reports being backed by what takes place

within the walls of the Committee-room, I should doubt very much whether the publication of a libel which is a breach of Privilege, and is declared by the House to be a breach of Privilege, would be any protection to the publishers of these newspapers; and whether the hon. Member would not be at liberty to take any proceedings he pleases, just as if this House had taken no action in the matter. But, as I have said, I am not a lawyer, and I am not able to advise the House in the matter. Before the House decides, however, upon this point, and comes to the conclusion that it is necessary to strain the acknowledged practice—the acknowledged though seldom used practice—against the publishers of newspapers, it would do well to consider whether the hon. Member for Gravesend has really any practical grievance to complain of for which he has not a remedy in the ordinary way. Not having observed that this discussion was likely to take place to-day, I am not able to refer the House to any precedents; but it appears to me that, whatever decision the House may hereafter come to, it would be extremely inconvenient to enter into the discussion of matters that are before the Committee while the proceedings of the Committee have not yet come to an end.

MR. BIGGAR wished to explain why he had seconded the Motion of the hon. Member for Londonderry. It seemed to him only fair that when some one had acted in an improper manner by charging the hon. Member for Gravesend—with whom he had never had any personal communication—with very gross fraud and with perjury, without offering himself for cross-examination, the matter should not be allowed to drop. It was he thought the duty of the House to protect the honour of its Members from attacks of that sort, and, therefore, he had seconded the Motion.

MR. WATKIN WILLIAMS: It is with extreme reluctance, Sir, that I take part in this debate, but as a Member of the Committee to which reference is made and one who may be said to have the least possible interest in it, I cannot refrain from making a few observations on the Motion before the House. I must respectfully protest against the Motion, and will give my reasons for doing so. The Motion is, that the printers of two newspapers shall be summoned to the

Bar of this House to answer for a breach of Privilege, and a libel upon one of its Members. The hon. Member who has submitted this Motion has stated with a frankness that I did not anticipate, that his object in making it is not the direct one of punishing these persons who have been guilty of the breach of Privilege—that he disavowed—but an ulterior and indirect object of attacking others on whom he says the responsibility really lies. I protest respectfully against that course; because, if the desire of the hon. Member is to attach responsibility to others why does he not do in a direct manner what this Motion seeks to do in an indirect manner? But I venture to say also that in the public interest it is most undesirable that, after six weeks' inquiry the proceedings of this Committee should be in any way checked or interfered with. It might have been at one time a question whether it was advisable that this Committee should be appointed—that is a fair question, and one upon which I at one time doubted much; but this Committee having been appointed, is this House to stultify itself by listening to indirect attacks from right and left tending to bring the proceedings of the Committee to a futile and premature conclusion? No Member of this House can have failed to observe that attempts have been made to frustrate and interfere with the proceedings of the Committee. I venture to say—if I am not going beyond what is right on this subject—that the more strenuous are these efforts to prevent our proceedings, the more determined and resolute we shall be to prosecute our investigation to a just result. But the hon. Member who has submitted this Motion tells us that his object is not to punish the printers of *The Times* and *The Daily News*—these innocent people, as the Prime Minister has described them—but that his object is to reach those whom this Motion does not appear to touch. Is the House, I ask, to lend itself to the bringing up of innocent persons, for the purpose of indirectly attacking others whom those who are interested in this Motion would not dare to attack openly? If we abuse our powers, why is not a Motion made to discharge the Committee from further proceeding, when the whole subject could be brought forward, when our tongues would be loosed, and we could defend ourselves

and vindicate our conduct? If it can be shown that any Member of the Committee has been guilty of a breach of Privilege in assisting the Press to publish its proceedings, why is not that Member challenged in a fair and direct manner? I cannot, therefore, reluctant as I have been to enter into this debate, resist making this protest, and respectfully warning the House to see that they may not, in an indirect way—by a pretence of attacking *The Times* and *The Daily News*—provide the means of crippling the proceeding of the Committee and frustrating the object with which it was appointed.

SIR WILLIAM HARCOURT: I hope, Sir, before we go to a division we shall have a distinct statement from the Government as to the course they advise the House to take upon the Motion before it, because as I understood the Prime Minister—his language was rather ambiguous—he said he disapproved of the Motion, if its object could be accomplished in any other way. Therefore, I should like to know whether the object has been accomplished in another way; and, if not, what course he means to take. Now, Sir, this is a motion of a very serious character, because it affects the relations between the Press and the House of Commons—the most important question, perhaps, that appertains to the public life of England. Now, Sir, that a breach of Privilege, technically, has been committed in the Committee-room cannot be doubted; and if I were to turn my eyes to the right or to the left—which I shall be very careful not to do—I am afraid that I should observe that that breach of Privilege is being committed at this very moment, and that a breach of Privilege will be committed to-morrow morning when the speech of the right hon. Gentleman appears in *The Times* and *The Daily News*. But will a Motion be therefore made to summon the printers of those journals to the Bar of the House for a breach of Privilege?—because the breach of Privilege is not in the character of what is printed, but in the fact that anything has been printed at all. This breach of Privilege is not because what is published is a libel at all, but because our proceedings have been published. I should like to ask any Gentleman forming part of a responsible Government—responsible to the country for the re-

Mr. Watkin Williams

lations between the Press and the House of Commons—to tell me what is the difference between a report of proceedings in a public Committee-room and a report of the proceedings in this House. If you intended that the proceedings of that Committee should be private, you ought not to have admitted the public or the reporters. It was open, I imagine, for any persons at any time to call attention to the fact that the public were admitted to that Committee-room, that they were there every day, and that there was a table provided at which reporters sat—to the knowledge of every Member of the House present—every day to make a report of the proceedings. But that course not having been taken, I think that now to turn round on the newspapers and say to their printers—“We will summon you to the Bar of the House for reporting the proceedings of that Committee—although everybody in it knows perfectly well that the Committee was open, and that day by day the proceedings would be reported”—would that be conduct worthy of the honour—I may say of the honesty—of the House of Commons? What a position we should be placed in! The proceedings of the Committee have been reported for over three weeks, and at the end of that time you turn round and profess to be astonished that a breach of Privilege should have been committed which you knew was being committed every day. If reporting the proceedings of the Committee was a breach of Privilege, why was it not taken notice of on the first day of these proceedings by the Government, by the right hon. Gentleman at the head of the Government, or by the hon. Gentleman who has made this Motion? Everybody knew the character of the investigation, and that it was a matter in which the public were deeply interested, and I should like to know why notice has not been taken of it until this moment—and that it is now taken notice of as a breach of Privilege?—because, as I have already said, the breach of Privilege is not in the character of the publication, but in the publication itself. I entirely agree with the Member for the Denbigh Boroughs (Mr. Watkin Williams)—that these Motions we hear day after day are the fruits of that “lobbying” which is going on outside to prevent inquiry into frauds which are a disgrace to any commercial community.

There is an influence, a pressure—there are social influences, commercial influences, and influences of every kind at work; the screw has been put on—the attack is made one day in one form, and another day in another form, but the object is always precisely the same. We have heard from the Home Secretary that the object of a Bill now before the House—the Artizans Dwellings Bill—is to do away with “rookeries.” Well, Sir, there are rookeries of the working classes; but the object of this Committee is to do away with rookeries of the commercial class. They are in a sense the same class of people as those who frequent the other rookeries of whom the right hon. Gentleman spoke; they live by the same nameless arts; and it is for the purpose of pulling down these rookeries and clearing them out, and possibly of obtaining a more respectable population, of more decent habits—[“Order!”]—that this Committee has been appointed—

MR. SPEAKER: I wish to point out that the hon. and learned Member is out of Order in discussing, on the present Motion, the object for which the Committee has been appointed.

SIR WILLIAM HARCOURT: I am sorry if I was alluding to matters that are not germane to the Motion; but I hope I may be excused if, from the warmth with which I have spoken, I did so, and I apologize to the House. Referring to the Motion immediately before the House, I do think that unless there is some distinction drawn we shall find ourselves in an embarrassing position. I object to the Motion because it is put on the ground of libel. A statement may be uttered in the course of the debates in this House which, if it were not privileged by the fact that it was spoken in the House of Commons, might be held to be a libel; but would it not, if uttered, be published in *The Times* and *The Daily News* next morning? Let us know before we accept this Motion, what is the difference between a transaction which takes place in this room and a transaction which takes place—in a room up stairs? Because, unless I am mistaken, as long as they are sitting there the Committee is invested with all the powers which belong to the House below for purposes of this character. If you choose to appoint a Secret Committee, appoint a Secret Committee.

We have had Motions for Secret Committees—Motions which were not very favourably received by this House, and which I hope never will be—but if you appoint a Public Committee and admit the public and the reporters there, it appears to me to be a most extraordinary and unjustifiable proceeding to turn round on the newspapers and say—"You have done what you have no right to do; we will drag you to the Bar of this House for doing there that which we are extremely grateful to you for doing in this House." In these circumstances I, for one, if it be pressed to a division, will vote against the Motion of the hon. Member for Londonderry.

MR. GATHORNE HARDY: The hon. and learned Member opposite (Sir William Harcourt) has, I think, taken a somewhat strong liberty with respect to Members of this House. He has assumed that a Member of this House—my hon. Friend the Member for Londonderry—has taken the matter up as the result of the "lobbying" which he says is going on outside, while, so far as appears on the face of it, the question that has been raised is purely a question of Privilege. I can say for myself that, so far from being subject to such influences, I did not know even the subject of the Motion until I entered the House this evening. I must say that I do not think my hon. and learned Friend has a right to expect, as he seems to do, that Members of the Government should read all those proceedings which are reported in the newspapers, so as to see when breaches of Privilege have been committed. I come, therefore, to the discussion and the consideration of this question solely upon what is before us; and from what is before us, it is perfectly clear that there has been, technically at all events, a breach of the Privileges of this House in the publication in these two newspapers of this particular letter which was certainly not in evidence before the Committee.

MR. LOWE: I rise to Order. The right hon. Gentleman is transgressing the limits of fair debate in this matter, because he is making assertions which it is not in my power to answer. If the right hon. Gentleman is allowed to make statements as to what passed before the Committee, and as to what was before them as evidence, and what was not before them as evidence, it is only fair that

I should be allowed to answer them. Therefore, I put it to the House that the right hon. Gentleman, in the course he is taking, is out of Order.

MR. GATHORNE HARDY: I wish to be in every respect correct. I am only referring to what has passed before the House and to what appears upon the face of the newspapers which have been read to us. According to what appears upon the face of those newspapers, this letter was not part of the evidence before the Committee; because it seems that the evidence taken before the Committee was taken upon oath, whereas this letter came by post to the Chairman of the Committee, and therefore did not form part of the evidence taken upon oath. What appears before the House is this—that a certain newspaper professing to report the proceedings before a Committee of this House—I dare say correctly enough—sets out a letter which it states was addressed to the Chairman of that Committee, which was not sanctioned by any oath nor by any witness, but appears to have reached him by post. That document contains statements alluding to an hon. Member of this House, and attributes to him conduct of a most disgraceful and unworthy character; and the hon. Member for Londonderry brings that document before us and complains that its publication in the newspapers is a breach of Privilege. It is not because we usually permit reports of the proceedings before our Committees to be published in the public Press that we should not take notice of technical breaches of Privilege when they involve abuses. We are not discussing the uses of this Committee, nor the benefit which the Press may confer upon the public by publishing the proceedings of this House or of its Committees; but our attention is directed to a particular circumstance—to the publication in a newspaper of a letter not in evidence before the Committee, but merely addressed to the Chairman by post. No answer has been given to the complaint of the hon. and learned Member against that publication. What was resolved by the House of Commons in 1837, when a similar question was brought before them? They resolved that, according to the undoubted Privileges of the House, the evidence taken by any Select Committee of the House, or any documents presented to such

Sir William Harcourt

Committee, but not reported to the House, ought not to be published by any Member of such Committee, or by any other person. This letter, which was a document presented to a Committee of this House, and not having been reported to this House, has been published by other persons—namely, the printers of these two newspapers; and, therefore, if the hon. Gentleman thinks it of importance to press for the appearance of these two persons at the Bar, I do not see any injustice in supporting his Motion.

MR. BENTINCK: I wish to make only one remark upon this question. There appears to be some little misunderstanding as to the object which the hon. and learned Member for Londonderry has in view in bringing this matter before the House. It has been objected to this Motion that the information he seeks to obtain can be acquired by other means than those he proposes to adopt. Having listened attentively to this debate, I venture to think that every possible suggestion has been made and every possible facility has been offered for having that information laid before the House; but it has not been thought proper by those who might have afforded that information to give it to the House. Therefore, under these circumstances, it appears to me that the hon. Member for Londonderry has no other course to adopt than to persevere in the Motion he has brought before us, which is the only means by which he can substantiate his position and justify any further proceedings.

LORD ROBERT MONTAGU: I only wish to ask the right hon. Gentleman who sits as Chairman of the Committee a question whether the letter to which reference has been made was part of the evidence taken before the Committee or not? If it was, there has been clearly, technically a breach of Privilege; but if it were not in evidence, then the proper remedy for the hon. Member for Gravesend is to bring an action for libel in a Court of Law—and in doing so he will not be committing a breach of the Privilege of this House. My vote will depend upon the answer which the right hon. Gentleman the Member for the University of London gives to my question.

MR. BRIGHT: I understood from the observations of the right hon. Gen-

tleman at the head of the Government that he thought the House had proceeded far enough in passing the first Resolution. We re-affirmed by that Resolution, what has often been affirmed before, that the publication of the proceedings of this House and of its Committees by the Press is a breach of Privilege. The House has always had the power of suspending the customary publication of evidence taken before its Committees, and it has exercised that power on proper, and I am afraid, sometimes, on improper, occasions. We all know that Committees have the power of deciding, as to any particular Committee, whether their sittings shall be open to the public or not; and the whole country would be startled were this House to order that henceforth no proceedings of Committees should be made public. Therefore, we are brought to this conclusion—that we have decided that the House has a right of preventing the publication of proceedings before its Committees when it thinks fit. But it generally permits it. There appears to be a strong opinion that in this case publicity was both desirable and necessary. I do not wish to say anything disrespectful to the House, but to outsiders it would seem absurd if, having acknowledged this, you were to call the printers of these two newspapers to the Bar of the House and were to rebuke them for what they have done. The hon. Member for Londonderry and one or two other hon. Members on the opposite side of the House appear to have a double motive in bringing forward this question—one of more importance than the other—one being that a breach of Privilege has been committed and the other the vindication of the character of the hon. Member for Gravesend. I do not think it has been suggested that in deciding upon the first of the questions so raised by the hon. Member we ought to be in any way influenced by the second. If we are to bring the printers of these newspapers before the House, it must be simply for breach of Privilege. Many other letters which were before the Committee besides the particular letter in question have been published in the newspapers; but, although their publication involves an equal breach of Privilege, no complaint has been made respecting their appear-

ing in the newspapers. I am sorry to say that there is a difficulty in ascertaining who has not been libelled before this Committee — everybody seems to have charged everybody else with misconduct; and I dare say that if we were to read the evidence of the hon. Member for Gravesend we should find that he had said very unpleasant things respecting the writer of this letter from Paris. Is it not, therefore, better for us to stop here and to keep as closely as we can to the question of the breach of Privilege without going into the character of the hon. Member for Gravesend? If the newspapers have violated our rule, which we constantly think it right and convenient to suspend, we shall do better to limit ourselves to the Resolution which we have already passed, and not proceed further and ask these two gentlemen to appear at the Bar of the House to be reprimanded. In making these observations, I believe I am speaking in accordance with the sentiments of the right hon. Gentleman opposite (Mr. Disraeli). If the hon. and learned Gentleman does divide the House, I shall certainly vote against his proposition.

MR. DISRAELI: I wish to say, in explanation, that the right hon. Gentleman opposite has quite misunderstood me. Inasmuch as the information that I think ought to be given to the House has not been given, I shall support the Motion of the hon. Member for Londonderry.

MR. CHARLES LEWIS: I have one word to say in vindication of myself. I must protest against the extraordinary suggestions that have been made by the hon. and learned Member for the Denbigh Boroughs and by the hon. and learned Member for Oxford, who have spoken in a way that induces me to think they have got foreign loans upon the brain. They do not appear to be able to deal with any one who does not go the full length with them without imputing to him indirect and unworthy motives. I say emphatically that as regards myself there is not a particle or grain of truth in the motives they have attributed to me, and the hon. and learned Member for Denbigh Boroughs who knows me had no right to impute them to me.

MR. WATKIN WILLIAMS: I know nothing of the hon. Member, and I

only referred to what the hon. Member himself said to-night. I understood him to say that his object was not to punish these gentlemen, but to gain another object—namely, to obtain information from them when they appeared at the Bar, whether some Member of the Committee was not responsible for the publication complained of.

MR. CHARLES LEWIS: The hon. and learned Member appears to me to have gone beyond what I have stated to-night by imputing motives to me. The hon. and learned Member for Oxford, in his wonderful way of approaching questions of this sort, asks, why has not this question of the breach of the Privileges of the House in publishing the proceedings of its Committees been brought before us every day? I will tell him why. It is because we do not see libels published as part of the proceedings of those Committees every day. My complaint is that, under shelter of the proceedings before a Committee of this House, the hon. Member for Gravesend has been attacked and vilified; and what is unsatisfactory to my mind is that, although the right hon. Member for the University of London has been half-a-dozen times upon his legs, he has been silent on the real question before the House. I should have been happy to put myself into the hands of Her Majesty's Government and to have withdrawn my Motion had a scintilla of information been forthcoming as to the way in which this letter reached the newspapers. As the case stands, a Member of this House has been grossly libelled, and yet no sort of satisfaction can be obtained. On Friday last I gave Notice of a Question upon the very subject. I was told I was out of Order. But we had not then the information which has been vouchsafed to-day. It is not with a view to any ridiculous vindication of the privileges of this House by inflicting a punishment on these worthy gentlemen the printers of *The Times* and *Daily News*, but because it is the only way by which the House can get at the bottom of this matter, that I ask that these gentlemen be called upon to appear at that Bar; and when they are there I shall ask them, in accordance with the precedents on the Journals of the House, "From whom, if from anyone, did you receive that letter?" Not only do I intend to proceed to a division, but I

Mr. Bright

venture to say there will be no mistake on the part of the public Press as to the attitude assumed by this House. It is not for the purpose of preventing the publication of reports or of stifling inquiry, or of bringing the present investigation to a hasty conclusion, but for the purpose of preventing those reports from being made the means of disseminating libels broadcast over the country, that I proceed to a division, and in doing so I thoroughly believe that I shall be supported by a large majority.

MR. STEPHEN CAVE: As a Member of the Committee, I decline, whether regular or irregular, to sit still under an imputation of having acted in an unworthy or mysterious manner. As to whether any one furnished copies of this letter to either of the newspapers named, I cannot say, because I do not in the least know. But this I can say—that the Committee Room has every day been crowded by Members of the House and by others, and under the circumstances it was only natural to suppose that what happened at the meetings of the Committee would be more or less correctly communicated to the public. This being so, the same thing was done which has been done in connection with many other Committees of which I have been a Member—that is to say, reporters were tolerated in the room. I say “tolerated,” because, of course, it was in the power of the Committee to exclude them. It was thought better that what occurred before the Committee should go forth correctly through the medium of the regular reporters than that it should go forth incorrectly through the medium of notes taken by other persons who might be in the room. So far with regard to the presence of reporters—which, I repeat, was nothing new, being a thing common at Committees. Then comes the question which has been asked—Was this letter part of the evidence before the Committee? It has always seemed to me that the course taken in appointing this Committee was a difficult and dangerous one. After its appointment it had to be determined whether it was necessary or expedient to examine witnesses on oath. For myself, I confess I was of opinion that it would be better not to do so; but it was decided to do it.

MR. SPEAKER: The right hon. Gentleman is not in Order in the remarks he is now making.

MR. STEPHEN CAVE: It is very difficult to discuss this matter without transgressing the strict rules regulating our proceedings. I may, however, add that this letter which has been referred to was tendered to the Committee as evidence, and I understood, and I still understand, that, in common with the rest of the evidence, it was taken down by the reporters who were in the room. It has been said that there was something underhand or mysterious, but I can only say that I do not believe it and that if there has been I know nothing of it. My object in rising was simply to clear myself from any imputation of having acted in a manner unworthy of a Member of this House, or of having, as a Member of the Committee, assented in any way to any course which could be considered irregular.

MR. HORSMAN: Without expressing any opinion as to the merits of this question, I wish to say a word as to the course of our proceedings. A Motion has been carried declaring that a breach of Privilege has been committed. It was open to any Member of the House to object to that Motion. There were various modes of setting it aside. The “Previous Question” might have been moved. For my part, I expected that that would be done. It was not done, and the House unanimously agreed to the Motion that there has been a breach of Privilege. By that decision the House has either gone too far or not far enough. There is no precedent for voting that a breach of Privilege has been committed and not following that up by calling the person who has committed the breach of Privilege to the Bar. Every Member must have known that if the first Motion passed unanimously it was only a matter of course that the second should pass unanimously. [“No!”] I regret very much that these printers should be called to the Bar; but, however much I may regret, it is too late now to object to it, and therefore, having voted for the first Motion, I must vote also for the present Motion.

Question put.

The House divided:—Ayes 204; Noes 153: Majority 51.

Motion made, and Question proposed,

“That Mr. William King Hales, the printer of ‘The Daily News’ newspaper, do attend at

the Bar of this House on Friday next, at half-past Four o'clock."—(*Mr. Charles Lewis.*)

MR. RATHBONE: Before we proceed to decide this question I wish to call the attention of the House to the fact that the Prime Minister in addressing the House, as I understood him, distinctly stated that if the information could be obtained in any other way he should not counsel the hon. Member for Londonderry to divide the House. He has now received that information from an authority which he must consider undoubted—from a Member of his own Ministry. I should like to know on what grounds he still thinks it necessary to call the printers to the Bar of this House.

Question put.

The House divided:—Ayes 199; Noes 155: Majority 44.

LAW OF SLANDER.—RESOLUTION.

SIR WILLIAM FRASER, in rising to call attention to the Law relating to Slander; and to move, "That, in the opinion of this House, the Law relating to Slander requires amendment," said: Mr. Speaker, after the opinions given this afternoon by some of the ablest Members of this House in the debate which has just terminated, I hesitate to express, even, in the humblest manner, my views on the subject of slander. The point to which I wish to direct the attention of the House is simple, but important. I will not enter upon the broad question what is slander, and what is not. I use the generic term slander; but it is the specific form of slander known as libel on which I shall comment. I will not relate the views of eminent persons in the last, nor present century; I will not repeat the opinions of Lord Mansfield, nor describe the legislation of Lord Campbell. I shall be glad, Sir, to know from the Attorney General, whether the law which protects our property, in some smaller degree our persons, and in some degree our reputation, enables us at present to protect the memory of those who have been dear to us; whether by the present law the son is able to guard the memory of his father or mother, the husband of his wife, the wife of her husband? It would not become me to give a decided opinion as to the precise state of the law; especially as some of

the wisest Judges that have sat upon the Bench have not been very clear on the subject. I am induced to think that the law is not sufficiently strong, from the fact that for 80 years no attempt has been made to proceed by indictment against one who has slandered the dead. The last case recorded is that of the *King v. Topham*. Topham was the editor of a newspaper called *The World*, and he published very gross libels against George, Earl Cowper, deceased. He was tried before Judge Buller and a jury, and was convicted. An appeal was made against the judgment, and Lord Kenyon as Chief Justice reversed the decision of the Court below. In delivering his judgment Lord Kenyon quoted Lord Mansfield—

"Where the act is in itself unlawful (as in this case) the proof of justification or excuse lies on the defendant: and in failure thereof the law implies a criminal intent."

Lord Kenyon also refers to Sir Edward Coke, who says that—

"Defamation of the dead is libellous as stirring up the family to revenge, and to break the peace."

He (Lord Kenyon) reverses the judgment of the Court below, because, not that the libel did not tend to a breach of the peace, but that it was not so stated in the indictment. This point is most important; for the decision of Lord Kenyon has been quoted as if he had reversed the judgment, because the libel did not tend to a breach of the peace. No attempt has been made, I believe, since that date, 1791, to remedy the wrong done to a dead person by indictment. Lord Kenyon followed up his decision with these words—

"To hold that, even after ages are passed, the conduct of bad men cannot be contrasted with good, would be to exclude the best part of history."

This, Sir, seems to me a judicial truism; and is not to the point; for it cannot be applied to the case of a man who has recently died. Sir Edward Coke, to whom Lord Kenyon referred, had tried a case of a man, who certainly bolder than most persons, had dared to libel two Archbishops of Canterbury at once. Sir Edward Coke stated that, if a libel was made against a public or private person, it was punishable if the person might be dead at the time of making the libel, because it stirred up the relatives of

the person libelled to a breach of the peace; but in the case tried before him (Sir Edward Coke) it is doubtful whether the person convicted was so convicted for the libel on the Archbishop deceased or the living Archbishop, so that whatever Sir Edward Coke's opinion may be worth, and, as we know, he was most eminent as a lawyer, it cannot be said that he, by this decision, made the point clear. I believe, Sir, that the law of libel might be without difficulty extended to the defamation of the dead as well as of the living; either by declaring the present law to have such operation; or by a fresh enactment. I make this suggestion at a time when our public men cannot be accused of too great sensitiveness to criticism. If ever there was a time when men were freely criticized it has been in the generation in which we live. What must be the sensation of a statesman on taking up an illustrated periodical week after week for 20 years, to see himself hebdomadally depicted in some grotesque attitude, doing something he has never done, from some motive he has never thought of, I know not. It may be that, like the slave in the Capitol, these pictures whisper in his ear "Thou art mortal." In these days not only do we live in glass houses, but under a magnifying glass of the most powerful sort. One of the most remarkable features of the newspaper intelligence of the present day is the London correspondent of the provincial Press. This wonderful and mysterious being is evidently present at Cabinet Councils, and dines with an Archbishop or a Chief Justice at least once a-week. He not only tells us what we have done, but informs us of what we are going to do. I venture to read to the House a short specimen which I happened to see lately, "The appearance of the right honourable gentleman is that of a market-gardener out for a Sunday walk." The writer is perfectly impartial in his criticisms, and goes from side to side of this House. "Colonel So-and-so's clothes were evidently made for somebody else." While "Sir Somebody-o'-something's perennial pair of trousers would, if unstitched, suffice for the mainsail of a moderate-sized yacht." At the same time, we must admit that our generation has seen a great change for the better from the ferocious libels, pictorial and

literary, of 40 years ago. Since the price of newspapers has been lowered a much better tone has pervaded public prints—I do not say *post hoc propter hoc*—but there can be no doubt that great good feeling, and good humour are shown in this respect. Most of us have had our biography written. We have not to wait until we go where we must all go sooner or later; but even in the tempting circumstances of a recent Parliamentary Election, neither ill-humour nor unfairness in the description given of us is to be detected when we enter this House; but there is one class of publication which has shown of late a great tendency to crop up; books written by men who vent their spleen against those whom they do not like; leaving behind them calumny and slander, to overhang either their victims, or their victims' children. These books inflict a great hardship and wrong. The memory of the best, as well as the worst of men is not spared. Men of the highest honour in private life and of conspicuous public virtue, once in their graves, are held up to their relatives and friends and to mankind in general as not honest, and not honourable. You are told in these books that the man whom you have for long years respected and admired was a worthless being. These writers say to you: "You think that statesman was honest, and that, misinterpreted during his life-time, he would be done justice to at his death: you are mistaken; you are ignorant; you are a fool; you thought the man a gentleman; I tell you he was a rogue! You think that his public life, his career were influenced by high minded self-denial! Believe nothing of the sort; he was selfish from first to last. You think that his private life was pure? Humbug! It was the contrary. I've bribed his valet, and I ought to know." Now this is no exaggerated description of the sort of book that appears periodically in English society. I will quote a case that has been sent to me since the Notice of this Motion appeared. A particular libel was published in a book, which I will not advertize by giving its name; suffice it to say that it was written by a wandering physician; a man who travelled about from watering place to watering place on the Continent; and instructed people as to their specific requirements. The person slandered

penalty, on conviction for the crime of defamation of the dead, is by the Law of the 17th of May, 1819, imprisonment for not more than a year; or a fine of not more than 2,000 francs, or both. Now, Sir, I am the last person in this House, or out of it, to wish to interfere with due and wholesome publicity. I hope never to see the time when the affairs of State are conducted under the momentary impulse of fretful popularity: the ignorance of the present I despise; but I love the deep-thinking, far-seeing public opinion, the result of observation and of experience. It is this which has made our institutions so great and so sound. It is not the perfection of the machanism that enables statesmen to conduct the government of this country; it is the oil of good sense that lubricates the machine; it is the sublime, I had almost said divine, give and take, which makes this Empire great and free. I would do nothing to check publicity. I would do nothing to prevent this public opinion bringing its admirable influence to bear upon public affairs. I believe that the alteration in the law which I suggest, after much thought, might be made without difficulty, certainly without clamour. Considering that the law is now imperfect, I sincerely hope that the Law Officers of the Crown may be able to take my view of the matter. I thank the House for the patience and good humour with which they have listened to me; and I have the honour to move the Resolution which stands on the Paper in my name.

Motion made, and Question proposed,

"That, in the opinion of this House, the Law relating to Slander requires amendment."—
(*Sir William Fraser.*)

THE ATTORNEY GENERAL said, that while he had listened with great pleasure to the amusing speech of the hon. and gallant Baronet, he was unable to give his assent to the Resolution which he proposed. The English law had always recognized that there might be slander of the memory of the dead as well as of the living. In an old legal work of authority, *Hawkins's Pleas of the Crown*, it was laid down that a libel was a malicious defamation, in printing or writing, tending to blacken either the memory of the dead or the reputation of the living. That, he believed, represented the real state of the law,

Sir William Fraser

and it was illustrated by the judgment of Lord Kenyon, in the case to which his hon. and gallant Friend had referred, and which had reference to a libel on the memory of Lord Cowper. Lord Kenyon then stated that such a publication might be made fairly and honestly; but, whether made sooner or later, if it were done with a malevolent purpose, to vilify the memory of a deceased person, and with a view to injure his posterity as in the case of *R. v. Critchley*, then it came within the rule stated by Hawkins, and was illegal, as being done with a view to break the peace. The indictment, however, in the case decided by Lord Kenyon, contained no allegation that the libel tended to lead to a breach of the peace, and judgment was arrested on that account; but there was nothing in the judgment of Lord Kenyon to indicate that an indictment would not lie in such a case, when the circumstances warranted it, and the law, he ventured to say, remained the same up to the present time. There could, however, be no doubt that the practice of preferring indictments with respect to slanders on the dead had fallen into desuetude, and it seemed to be the general feeling of the country that it was undesirable to prosecute proceedings of that character. It was, at the same time, his opinion that if ever a case should arise in which it should be deemed expedient to prefer an indictment in respect of slander upon the memory of the dead the present law would be found sufficient for the purpose. He thought it would, under these circumstances, be undesirable to make any alteration in it.

MR. NEWDEGATE believed that the present tendency of our Courts was to render the law of libel more stringent than it used to be, and until prosecutions for slanders such as those of which the hon. and gallant Member complained were instituted, and it was found that the law in such cases was insufficient, the House would, he thought, do wrong further to restrict publication. Increased restrictions might operate to destroy the most useful of all classes of publications—that of recent history.

MR. SANDFORD said, he thought it was perfectly clear that the hon. and gallant Member had brought forward his Motion for the purpose not of illustrating the defects in the law of slander,

the pure and sensitive mind of Mr. Greville must admit that under such circumstances impropriety was very difficult, if not impossible. The King had no family circle; his wife was away, his daughter dead; and he must associate with some one. "Fame," as a brilliant writer has said, "is a thing of Party," and the fact was, that George IV. changed his political opinions, or at least the expression of his political views; and the whole tribe of slanderers was at once let loose upon him. As regards King William, whom Mr. Greville attempts to blacken without producing one fact to support his calumny, one would have thought that the jovial sailor-monarch, who, after 65 years of comparative obscurity, unexpectedly came to the Throne, would have escaped the censure of even so great a moralist as the author of this book. The anecdotes relating to this King are without exception thoroughly spoilt. Mr. Greville was not only a malicious man, but he must have been a dull one; and he contrived to remove the point from almost every story he tells. He relates that King William, in order to procure personal liberty for himself, did what Louis Philippe invariably did, and what I believe the Emperor of Russia does to this day; he thought that he could accustom the people, by walking alone, to his presence; and that in a few weeks he would not be molested by a crowd in the streets of London. Mr. Greville tells us that King William walked up St. James's Street; but he omits a story that I have known all my life; which I believe to be absolutely true; and which is very characteristic of the King. Entering Hoby's shop, which was then on the left side of St. James's Street going up, His Majesty ordered a pair of boots; the assistant who was in the shop did not know the King by sight, and said—"I beg your pardon, Sir, I have forgotten your name." William IV. replied—"Well, I am the King; I am down in your books as Duke of Clarence." That story shows a simple mind, and a very unaffected disposition; but there is one trait which I have always thought redounds very much to the credit of King William, and to his thoughtful consideration of others. When he was told a fact as disagreeable to monarchs as to the rest of mankind, that he must die; and learned that—

"Death lays his icy hands on Kings,"

one of his first questions was—

"Shall I live over the 18th of June? I should be very sorry for the Duke of Wellington's dinners to be interrupted: the chain has never yet been broken since Waterloo, and I hope that I shall live long enough to enable the Duke to have his dinner on that day."

Now, Sir, if ever a true-hearted and chivalrous gentleman spoke, he spoke when he said those words; and cynicism itself can hardly point with a more unrelenting finger than when it indicates Mr. Greville attributing the persistence with which King William, on mounting the Throne, sought out every old friend to promote him, to obvious madness. There is one slander in this book, and one of the worst, not of the dead but of the living; a lady who is still alive, the widow of a gallant soldier; the mother of a most gallant soldier, who having drawn the attention of the judicial authorities to a half-witted forger is in this book—

SIR WILFRID LAWSON: Mr. Speaker, I rise to Order. The Motion upon the Paper is that the law of slander should be amended. I wish to ask whether the hon. Baronet is speaking to the Question?

MR. SPEAKER: I understand the hon. Baronet to be illustrating his arguments. I feel sure that I can trust to his discretion not to wander too far from the matter of debate.

SIR WILLIAM FRASER: Sir, I will not offend again. I was endeavouring to enliven a somewhat dry subject. I will read to the House the law on this subject of Germany and of France. By the Code of Law established in Germany, in 1870, section 189—

"Whoever slanders the memory of a person deceased, by stating a fact that would have lowered the deceased in public esteem if stated in his lifetime, shall be punished with imprisonment not exceeding six months; if with extenuating circumstances, a fine may be adjudged."

The prosecution can only be instituted by the parents, the children, or the wife of the deceased. In France it has been settled by the Court of Cassation, the highest tribunal in the country, by two decisions, one on the 24th of March, 1860, and the other on the 23rd of March, 1866, that the 13th Article of Law of the 17th of May, 1819, applies to calumny on the dead as well as on the living. The heirs of the deceased, or any one of them, can take action. The

penalty, on conviction for the crime of defamation of the dead, is by the Law of the 17th of May, 1819, imprisonment for not more than a year; or a fine of not more than 2,000 francs, or both. Now, Sir, I am the last person in this House, or out of it, to wish to interfere with due and wholesome publicity. I hope never to see the time when the affairs of State are conducted under the momentary impulse of fretful popularity: the ignorance of the present I despise; but I love the deep-thinking, far-seeing public opinion, the result of observation and of experience. It is this which has made our institutions so great and so sound. It is not the perfection of the mechanism that enables statesmen to conduct the government of this country; it is the oil of good sense that lubricates the machine; it is the sublime, I had almost said divine, give and take, which makes this Empire great and free. I would do nothing to check publicity. I would do nothing to prevent this public opinion bringing its admirable influence to bear upon public affairs. I believe that the alteration in the law which I suggest, after much thought, might be made without difficulty, certainly without clamour. Considering that the law is now imperfect, I sincerely hope that the Law Officers of the Crown may be able to take my view of the matter. I thank the House for the patience and good humour with which they have listened to me; and I have the honour to move the Resolution which stands on the Paper in my name.

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but rather the Greville Memoirs. No one objected to the Memoirs of Saint Simon, yet Saint Simon dealt much more hardly with his contemporaries than Mr. Greville had done. Again, there was the Diary of Sir Nathaniel Wraxall, which gave a great deal of information about the politicians of his time. The only question was as to the period at which such memoirs should be published. He believed that Mr. Greville left an absolute discretion to those to whom his Memoirs were left as to the period of publication. If there had been an unduly early publication, therefore, Mr. Greville stood entirely acquitted of blame, and no soreness would have been caused if the period of publication had been postponed. He had observed that men were very sensitive as to what was said of their fathers and mothers who were very indifferent about the reputation of their grandmothers. If a wise discretion had been exercised as to the publication of the Greville Memoirs he believed that they would be a valuable contribution to the history of the time, and no offence would have been given to the feelings of individuals.

SIR WILLIAM FRASER, in reply, said: The hon. Member for Maldon (Mr. Sandford) is mistaken in supposing that there were no objections taken to Wraxall's Memoirs, when they were published. I must be permitted, Sir, to allude to a case which I omitted in my opening speech, and which shows a very great grievance on the part of an excellent lady now alive. Her late husband, after a most brilliant career in this House, and filling the highest law office of those who address you, rose to the highest position in "another place;" a man of great intellect and great eloquence; a man who, at 90 years of age, knew well how—

"The applause of listening Senates to command;"

one whom I remember waiting for many hours to hear speak on a great subject. The husband of this lady—and everybody in the House knows to whom I allude—is foully slandered in this pernicious book. I have heard, since I gave the Notice of this Motion, that it was the wish of the lady in question to indict the persons who have brought these slanders before the public; and she was told, so I am informed, that the law afforded her no redress. The law at pre-

sent declares that the plaintiff must show malice on the part of the defendant; or that the publication of the libel tends to a breach of the peace. I wish to extend it to cases, as in this instance, where the slander has been published for the sole and simple purpose of obtaining money.

MR. ALGERNON EGERTON wished to state that neither the relatives nor the executors of Mr. Greville had any pecuniary interest whatever in the publication of his Memoirs. They fell, by a species of gift, into the hands of the publishers. The relatives had nothing to do with the publication.

Motion, by leave, *withdrawn*.

FRANCE—DECLARATION OF PARIS (1856).—RESOLUTION.

MR. BAILLIE COCHRANE, in rising to move—

"That in consequence of a Conference having been held at Brussels in 1874 on International Law, and the proposed renewal of the Conference at St. Petersburg this year, a favourable opportunity is afforded to the Country of withdrawing from the Declaration of Paris of 1856, and thus maintaining our maritime rights, so essential to the power, prosperity, and independence of the Empire,"

said, that this question, which was one of the greatest possible importance, was last brought before the House by the hon. Member for Whitehaven (Mr. Cavendish Bentinck), and he regretted that the circumstances of his hon. Friend's official position precluded him from recurring to the subject. It had previously been brought before the House in 1866 and 1867. The general feeling of the House then was in favour of withdrawing from the Declaration of Paris, yet, as no particular question of International Law was then before Europe, it was not thought desirable that the House should come to any Resolution against the Declaration of Paris. Last year a Conference on International Law was held at Brussels, and it was proposed by the Russian Government to hold another Conference at St. Petersburg this year. He put it to the House that now or never—when attention was directed to questions of International Law—was the time for the House to say whether the country should be bound for ever by the Declaration of Paris of 1856. The Brussels Conference was convened with the professed object of

ameliorating the condition of prisoners of war. The Conference, however, went further, and considered the whole question of military warfare by land. There was, however, a secret object in that Conference, and Lord Derby, with great sagacity, had succeeded in discovering what that object was. The real object was to entangle this country again into a confirmation of the Declaration of Paris. It was perfectly apparent in all the documents that had been published. Lord Derby, in his first despatch to Major General Sir Alfred Horsford, appointing him British Representative at the Conference, said—

"The Powers must give the most positive assurance that the delegates shall not entertain in any shape, directly or indirectly, anything relating to maritime operations or naval warfare."

And again—

"It will be your duty to guard carefully against being led into any discussions which may affect, however remotely, the subject of maritime warfare."

In the last despatch of Prince Gortchakoff, in reply to Lord Derby's declining to recognize any future Conference, the Russian Minister, after saying that there did not exist, strictly speaking, any positive International Law, proceeded to say—

"In the last century the rights of maritime neutrality had no legal existence until the Empress Catherine II. had proclaimed them and made them the object of Treaties with other Governments. England for a long time contested these rights as being derogatory to existing laws and customs. At the present time they are generally admitted, but have the force of obligatory laws only by the Treaties that sanction them."

And in conclusion of the despatch—

"If the English Government states that it will keep to the principles of International Law, in accordance with which its acts have been hitherto regulated, and that it will impose the same obligation on its Allies, it would have been desirable that its meaning should have been rendered complete by stating what these principles are."

He proposed that the House of Commons should say to-night what were those principles of International Law. He would not complain of the atrocities and calamities of war, for they were the best safeguards for the preservation of peace. You could not make war with kid gloves and rose-water. He was astonished to hear what beautiful humanitarian theories were put forward at Brussels; but Peace Congresses were not of modern origin. In one of *Æsop's* fables a Peace Congress of animals was held, of bears

and wolves and bulls, to discuss the laws of war. The wolves and bears proposed that the only weapon used for fighting should be the teeth. The bulls, however, replied—"You may do what you please, but nature has given us two horns, and we intend to use them." The two horns of England and of English right and security were the power of issuing letters of marque and the right of search. What was that right? From the earliest days of England's greatness and maritime power the right had been claimed and exercised of seizing an enemy's goods in whatever ship they might be, and whether under a neutral or any other flag. That right among ourselves had never been questioned. Lord Mansfield, when appealed to by the Government of the day, distinctly laid down the following principles:—(1) The goods of an enemy on board the ships of a friend might be taken; (2) The lawful goods of a friend on board the ships of an enemy ought to be restored; and (3) Contraband goods going to an enemy, although the property of a friend, might be taken as prize. The principle was held by the English Government of that day that they would not waive the right of seizing an enemy's goods under whatever flag they might be found. The next occasion on which this principle was questioned was in 1780, when the famous Armed Neutrality was formed by Russia; but England declined to give way, and the whole question was again settled for the time being. In 1801 there was again an Armed Confederacy, and by an Order in Council we laid an embargo upon the property of each of the countries forming that league. Letters of marque were issued, and in six months the whole confederacy was at an end. Vast importance had always been attached to this great maritime question. He would not go back so far as *Vattel* or the other great authorities of days long past, but would quote a few of the authorities of later times on the subject. Lord Eldon, for instance, held that the right of searching neutral vessels originated in the rights of nature, and no Convention or Treaty could destroy the right. The opinion of Lord Stowell was conveyed in the following words:—

"A war and a commercial peace is a state of things not yet seen in the world; there is no such thing as a war for arms and a peace for

commerce; and the right of visiting and searching merchantmen on the high seas, whatever be the cargoes, whatever the destination, is an incontestable right of the lawfully commissioned cruisers of a belligerent State."

Lord Nelson, again, expressed not only the opinion of his own time, but foreshadowed the views of the great naval officers of the present day, when in the House of Lords, in 1801, he described the proposition that free ships should make free goods as—

"A proposition so monstrous in itself, so contrary to the Law of Nations, so injurious to the maritime interests of this country, that, if it had been persisted in, we ought not to have concluded the war with those Powers while a single man, a single shilling, or even a single drop of blood remained in the country."—[*Parl. History*, xxxvi. 262.]

Napoleon, again, speaking on the same question, said—

"The greatest blow that could be given to England would be to compel her to give up her maritime rights."

Such was the state of opinion in England down to the year 1854, when, as we were drifting into a war with Russia, by what was to him a perfectly inconceivable act on the part of a public man, the following Order in Council was issued:—

"In order to preserve the commerce of neutrals from all unnecessary destruction, Her Majesty consents to suspend a portion of the belligerent rights that belong to her by the Law of Nations; Her Majesty will suspend the right of seizing enemy's property on board neutral vessels unless contraband of war."

The result of this extraordinary Order was to afford perfect safety to Russian commerce which sailed under neutral flags. Coming on to 1856, they found occurring an event which was not to be paralleled in the diplomatic and political annals of England. Representatives of the Great Powers—Russia, France, and Austria—assembled in Paris to conclude a Treaty of Peace. The Treaty was signed, and the powers of the Ambassadors were at an end, when Count Walewski proposed to the Congress to conclude its work by a declaration which would constitute a remarkable advance in International Law, and which would be received by the whole world with a sentiment of lively gratitude. It would, he said, be truly worthy of the Congress of Paris to lay down the basis of an uniform maritime law in time of war as regarded neutrals. The four following principles would completely effect

that object:—(1) The abolition of privateering; (2) The neutral flag covers enemy's goods, except contraband of war; (3) Neutral goods, except contraband of war, are not liable to capture even under an enemy's flag; and (4) Blockades are not binding except in so far as they are effective. The Earl of Clarendon observed that, like France, England, at the commencement of the war, sought by every means to mitigate its effects, and that with this view she renounced, for the benefit of neutrals, during the struggle which had then come to an end, principles which up to that time she had invariably maintained. If the whole of the Congress were to adopt the proposition of Count Walewski, it should be well understood that it would only be binding in regard to the Powers who might accede to it, and that it could not be appealed to by Governments who might refuse their accession. So utterly unjustified were the Congress in discussing this question, that Count Orloff observed that the powers with which he was furnished having for their sole object the restoration of peace, he did not consider himself authorized to take part in a discussion which his instructions had not provided for. On the same occasion Count Buol declared that he appreciated the spirit and beauty of the principles of maritime law which Count Walewski had proposed for adoption; but that, not being authorized by his instructions to express an opinion upon a matter of such importance, he must, for the time, confine himself to announcing to the Congress that he was prepared to request the orders of his Sovereign. All this was not embodied in the Treaty, but it appeared in the Parliamentary Paper as an annex to the 23rd Protocol. Now, the Plenipotentiaries had no power to discuss such a question as this. They took upon themselves to give away the whole great maritime rights of this country. It never was ratified by Parliament, and it never had received the consent of the Sovereigns. Was this country bound by such a Treaty as that? In fact, it was not a Treaty at all, but merely a dictation of Count Walewski, that was assented to in an evil moment of weak philanthropy by the late Lord Clarendon. He should not quote opinions on this question which had been expressed by any politicians who were now respon-

sible for the foreign policy of this country; but he should like to lay before the House the opinion of Earl Russell concerning it. In 1857 the noble Earl said—

"The rules—'Free bottoms make free goods,' and 'The goods of a belligerent are safe in neutral vessels, and the goods of a neutral safe in belligerent vessels,' have always been regarded as injurious to the interests of maritime countries, and especially to the maritime power of England. . . . I hope no Minister of Great Britain will set his seal to a treaty containing any stipulations of this kind without the most cautious deliberation."—[3 *Hansard*, cxliv. 2084-6.]

The late Earl of Derby said, in 1856, that—

"Whatever losses Russia may have suffered by this war, whatever embarrassments she may have experienced, I hesitate not to say that they are more than compensated by the adoption of that one Article."—[3 *Hansard*, cxlii. 537.]

What said Mr. Stuart Mill?—

"Sir, I venture to call the renunciation of the right of seizing enemy's property at sea a national blunder. . . . Unless by resuming our natural and indispensable weapon we place ourselves again on an equality with our possible enemies, we shall be burthened with these enormous establishments and these onerous budgets for a permanency, and, in spite of it all, we shall be for ever in danger, for ever in alarm, cowed before any Power or combination of Powers capable of invading any part of our widely-spread possessions. . . . Happily, the blunder is not an irretrievable one. The Declaration of 1856 is not a Treaty. It has never been ratified. The authority on which it was entered was but the private letter of a minister. . . . How war is to be humanized by shooting at men's bodies instead of taking their property, I confess surprises me."—[3 *Hansard*, clxxxix. 878-882.]

Mr. Cobden said—

"The Congress declared that the neutral flag covered enemy's goods. This resolution reverses the most venerated judgments of our Admiralty Courts, and for the first time imparts the force of maritime law to principles which were resisted by England against the world in arms until the close of 1815. The practical effect would be in case of war with a naval Power to transfer the trade of even our own ports to the neutral Powers."

There was only one other authority he should like to quote, and it was that of Mr. Mitchell, his former Colleague, who said—

"I believe there is no man acquainted with Russia, who would not be of opinion that the greatest means of coercion that could be used against Russia would be the closing of her ports and the stopping of her export trade; and that the best means of hostility against Russia at the beginning of the war would have been to take steps to stop the whole of the export trade of that country."

Mr. Baillie Cochrane

The authorities he had quoted were most eminent men on both sides of House. He could refer to several of men in support of his view, but to more important than these. This was not a Party question. It was a question concerning the interests and maritime greatness of this country. We accepted the principle that a neutral flag covered enemy's property and neutral countries would take possession of our place, and the name that Napoleon gave to our Volunteers of the time of war—namely, *les loups de mer*—would be swept away. If we were to have Volunteers for the defence of our shores, we were equally justified in making use of our great commercial marine in case of war to defend our country. There were various points of view from which the question might be argued. There was the point of view of free ships; then there was another point—that the sea was the highway of countries, and that in the case even of a ship carrying contraband of war should not be searched, but he could not conceive anything more fatal—might almost say, more ridiculous—than such an idea as that. There were thousands of persons who adopted the principle of *Silent leges inter arma*, and thought that the Declaration of Paris was nothing—was not, in fact, to be taken into consideration in time of war. That, however, was not an honourable way of looking at the question. Do let us follow the bad example of 1815 in this matter, when a Treaty was taken up and declared to be so much waste of paper. There were those also who said that as we did not intend to interfere with foreign politics, free ships in time of war would be of the greatest possible advantage to us; but there would be necessary that we should carry out a selfish isolated policy, and might as well have no Army and Navy at all. It had been well said that England did not so much support the right of search as the right of sea supported England. The extent of variety of our commerce were so great that we, more than any other nation, were bound over to keep the peace of Europe, but for that very reason ought to have at our command every means of hostility in case we were dragged into war. No fortifications, no torpedoes, no ironclads, no increase

army or Navy, could give us the right that we should derive from the seizure of enemy's goods at sea in time of war. He denied that we might be placed upon by military Powers to give up that right. We were a great maritime Power. Of all the commercial vessels of the world put together, what was the proportion of ships which belonged to England? 37 per cent. And of the steam navies of the world 58 per cent. Surely that placed us in an exceptional position. If we armed those ocean steamers in case of war, and enabled them to defend themselves, that was the force we should have. He knew Lord Clarendon said he was going to inaugurate an era of peace. That was not fulfilled at all. He (Mr. Baillie Cochrane) was not there to say disaster, but he could not be content with facts. Twenty years ago the Canadian frontier was 1,000 miles from the United States possessions; now it was not more than 80; and that was owing to sympathy with which we had viewed the matter. He contended that unless we were to adopt for ever a principle of selfish isolation, we should do nothing to maintain the maritime power of this country. We had lost a great deal—and he thought we cared too much—about the "silver standard" that protected us. As long as we insisted on having our maritime power, we should have command of the world. As Lord Nelson

should lose our last shilling and the drop of blood of our last man sooner than those maritime rights."

Prince Gortchakoff wrote to Brunow—

Emperor commands you to declare that Imperial Majesty cannot any longer be bound by the stipulations of the Treaty of Paris, if they restrict His Majesty's rights in the Black Sea."

Then, he (Mr. Baillie Cochrane) was told that he was doing wrong in supposing that this country should draw from the Declaration of Paris, that the only result would be that the Treaty of Paris was at an end when the Emperor of Russia disregarded the greatest stipulation in it, and for the insertion of a stipulation we had expended a great deal of money and blood. He urged upon the House, by their

vote that evening, to let foreign Governments know that we were determined to go back to the England of long ago; and by exercising to the fullest extent when occasion should require their maritime rights to do everything in their power to maintain the dignity and independence of the Empire. The hon. Gentleman concluded by moving his Resolution.

Mr. HERMON, in seconding the Motion, thanked his hon. Friend, to whom he thought the House and the country were indebted for having brought forward this important question at such a favourable opportunity. There was at present peace upon the Continent, and we could therefore withdraw with honour from engagements which had never been ratified by the Queen, sanctioned by Parliament, or approved of by the people. His hon. Friend had so eloquently explained that portion of the subject, and had given so many quotations from the speeches of eminent men and high authorities, that he would not weary the House by going over the same ground. It had been said that in case of war this was a Declaration which would be at once rescinded; and, therefore, its continuance placed England in a position which she ought not to occupy. For his part, he hated and detested war, and he might be asked why then did he support the Motion? His object in doing so was that war might be made as disagreeable as possible, so that it might become hateful in the eyes of all civilized nations, who would thus be induced to recoil from it. He was aware that the proposition before the House would not be pleasant to the Representatives of those nations who took part in the Declaration agreed to at Paris; but they were not there to make things pleasant, but rather to make war odious. It ought to be thoroughly understood by other nations that England was prepared to exercise in time of war her great maritime power in her own defence, and that, he thought, was one of the things which would prevent us drifting into war. He could not but remember the great amount of sympathy which had been exhibited in this country for the sick and wounded during the Franco-German War, and the large fund which had been raised for their relief. He must say he regretted that he had contributed to that fund, for he now believed that it was false philanthropy

to do so. The horrors war entailed ought to be forced upon the attention of the nations that went to war, and it ought to be shown them that it was as much their duty to provide food and medicine for their soldiers, as it was to provide powder and shot for them to fight with. With respect to the question of the neutral flag, Mr. Pitt said in that House, in the face of a powerful Opposition—

"That although he was anxious for peace, yet upon the question of the neutral flag covering the cargo of the enemy, sooner than give it up he would wind it round him and find his glory in his grave."

On the 22nd of May, 1856, Lord Colchester brought forward a Motion in the House of Lords to the effect that the right to capture an enemy's goods on board a neutral vessel was an inherent right, the abandonment of which was a serious injury to our naval power; and the late Lord Derby declared that "in signing that Declaration"—that of Paris—"you have sacrificed the maritime greatness of England on the shrine of Russia"—[3 *Hansard*, cxlii. 537]—while Lord Hardwicke said that "It had struck down the maritime power of England."—[*Ibid.* 508.] And what said Lord Clarendon himself on that occasion? He intimated that he had not acted within the strict limits of his attributions, by which he supposed the noble Earl meant his instructions. He would remind the House that the United States had declared that in the event of war they would not renounce the use of their Mercantile Marine. Under such circumstances, what position would we be in if we were at war with the United States or with any country of which the United States was an ally? Surely England would not allow herself to be placed at so great and serious a disadvantage? On such a subject the House ought to take a decided view, and express themselves as those who had gone before them had done—in a manner that could not be mistaken. The opinion expressed by Mr. John Stuart Mill on this question had been already quoted by his hon. Friend, and in that patriotic opinion he fully concurred. The right hon. Gentleman at the head of the Government had expressed himself strongly on this subject. He said—

"I believe it (the Declaration of Paris) to have been a most impolitic step, calculated to cripple the Powers of this country . . . we must

emancipate ourselves from its fatal trammels in a regular manner."—[3 *Hansard*, ccv. 149.]

There could not, then, be a more regular or constitutional manner of doing so by means of the action of Parliament. It having been declared that by the Declaration in the Treaty of Paris was given up the cardinal principle of maritime power, and that in consequence of that Treaty never having been confirmed by Parliament or by the Queen it was not binding upon us, he thought that at the present moment, when peace was universal, was the best that could be done for repudiating our obligations under it. He would further suggest that Her Majesty's Government should take the opportunity of sweeping away all other obsolete Treaties which trammelled us, and which at some future date might be productive of inconvenience if they were a danger to this country.

Motion made, and Question proposed.

"That, in consequence of a Conference having been held at Brussels in 1874 on International Law, and the proposed renewal of the Conference at St. Petersburg this year, a favorable opportunity is afforded to the Government withdrawing from the Declaration of Paris 1856, and thus maintaining our maritime independence so essential to the power, prosperity, and independence of the Empire."—(*Mr. Cochrane*.)

MR. CARTWRIGHT assured the hon. Member for the Isle of Wight (Mr. B. Cochrane) that it was far from any underrating of the importance of the subject, or from any desire to restrict the maritime power of which this country could command in time of war, that he rose to move the Previous Question. It had seemed to him from the first that the Resolution which had just been submitted was extremely inopportune—that there was no practical reason for bringing it forward, and this impression had been fully confirmed by the speech of the hon. Member. The substance of the objection brought against the Declaration of Paris appeared to be that it involved an apostacy from principles which hitherto governed the policy of this country. He believed it could be shown conclusively by a reference to the words of English statesmen of undoubted patriotism that that argument was founded in fact. The Lord Protector Cromwell, who in a peculiar degree sought to establish British ascendancy

Mr. Hermon

put his hand to a Treaty by the principle of a neutral flag against an enemy's goods was recognized. Sir William Temple, no mean exponent of British feeling, took part in carrying out a similar policy. The Declaration was acknowledged in the Treaty of Amity, and in 1786 it was embodied in the Treaty of Commerce signed by Pitt in a celebrated Treaty of Commerce. In one respect the Declaration of Paris was an improvement on former instruments, for it did not grant a preferential bonus in favour of merchant shipping which had previously been allowed. On no occasion, he would say, was the Declaration of Paris mentioned, although it had been recommended and discussed in that House, especially in heat and passion, but also in subsequent periods. In the year 1860 the matter was considered by a Select Committee of the House of Commons on the Merchant Shipping question—a Committee remarkable for having among its members such men as Mr. Lindsay, Mr. Milner Gibson, Mr. Baring, Mr. Stansfeld, and the Representative of Norfolk. By that Committee the question of belligerent rights was discussed, and they stated in their Report that while aware that grave objections had been urged by high authorities against the Declaration of Paris, they could not refrain from expressing the opinion that in the interests of humanity and civilization all private property not contraband of war should be exempt from seizure. The Committee went on to say that Great Britain was much interested in the adoption of such a measure, inasmuch as she had at all times a greater amount of property at sea than any other nation. On that point of contention he would not venture to announce any opinion, beyond remarking that it showed the Declaration of Paris had not been subjected to all the attacks which some supposed. But he contended that the Declaration should be acted upon unjustly. In conclusion, however, to that, he would say that when hostilities had occurred between the Republic of Chili—which was a party to the Declaration—and Spain—which was not a party to it—the facilities and advantages for the loss of which was deplored by those who were opposed to the Declaration were brought into requisition with the consent of all by the Republic of

Chili. No argument had, therefore, he maintained, been adduced by the hon. Member for the Isle of Wight to justify the course which he asked the House to adopt; and he would appeal to hon. Members not by a chance vote to reverse that which was a very solemn agreement, made after mature consideration, and the spirit and substance of which had been ratified by public opinion, as expressed by those who represented it in Parliament. He begged to conclude by moving the Previous Question.

SIR JOHN HAY said, the subject now under consideration was one on which he should not have ventured to intrude his opinions were it not that the defences of the country and its maritime supremacy were principally delegated in time of war on the Navy. The argument of the hon. Member who had just sat down was rather in support of maintaining the principles of the Declaration of Paris untouched than the postponement of its consideration to some more convenient time. He would, therefore, endeavour to show that it was an entire mistake and would go far to sap the naval power of this country in the event of our being engaged in war. By the 11th Article the neutralization of the Black Sea had been effected, and the result had been the Convention between Russia and Turkey, closing the Dardanelles to ships of war, and limiting the naval forces in the Black Sea. It was a Treaty binding and ratified by the contending parties. The Treaty of Paris, so called, was not a Treaty in any sense of the word, and was negotiated by Ambassadors that were not accredited for that particular purpose. In his opinion, the first two Articles of that Treaty were calculated to impair the naval supremacy of England. They contained this declaration of maritime law:—1. Privateering is and remains abolished. 2. The neutral flag covers enemy's goods, with the exception of contraband of war. 3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag. 4. Blockades, in order to be binding, must be effective—that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy. It was laid down by a high authority that—

“The Law of Nations gives to every belligerent cruiser the right of visitation and search

of all merchant ships, wherefore resistance to such search amounts to a forfeiture of neutrality. Particular States have relaxed the rigour of this rule, and by express Treaty granted immunity by establishing a maxim—free ships, free goods. A neutral ship refusing to be searched would from that proceeding alone be condemned as a lawful prize. If we find an enemy's effects on board a neutral ship we seize them by the rights of war; but we are bound to pay the freight to the master of the neutral ship, who is not to suffer by such seizure. The effects of neutrals found in an enemy's ship are to be restored to the owners, against whom there is no right of confiscation, but without any allowance for detainer, decay, &c."

And with regard to neutral things found with an enemy—

"Since it is not the place where a thing is, which determines the nature of that thing, but the character of the person to whom it belongs, things belonging to neutral persons which happen to be in an enemy's country, or on board an enemy's ship, are to be distinguished from those which belong to the enemy."

These principles were laid down in a book which was put into the hands of naval officers for their guidance. As a general principle it seemed to him that this right of seizing an enemy's goods wherever they might be found ought to be maintained. There was no doubt that unless our Navy had that power the enemy would obtain an advantage over us. A practical difficulty arose immediately after the rupture of 1803. French commerce was spreading all over the world, and a large number of French vessels were in the Black Sea. These vessels Nelson had made arrangements to seize and secure, because they were not only conveying the commerce of the enemy, but that which would have been contraband of war also, if they succeeded in escaping Nelson's vigilance. He stated in his despatch that he was thrown into great difficulty by reason of the facilities the enemy's ships had of changing their flags. It was stated in the *Life of Nelson*—

"Without entering into the merits of the case there was great cause for suspicion that the vessels or cargoes, or both, were belonging to enemies, and were merely covered with neutral papers. My orders are positive for respect to the neutral flag. . . . I shall only lastly observe that 170 French vessels were in the Black Sea at the commencement of hostilities, and that by a magic touch of merchants they became in a moment Russians, Imperials, Ionians, Ragusans, and not one French vessel remained."

If Nelson had not had then the power which the hon. Gentleman the Member

Sir John Hay

for the Isle of Wight asked to be stored, the transfer of the flag under the Declaration of Paris, allowed them to have eluded his view. All experience, he maintained, show that this power of searching neutral vessels and seizing an enemy on board was one of the highest talents. In respect to privateering he thought we should do well to follow the Declaration of Paris. No country however desirous this country might be of manning a large naval force, had, as he thought we had not, a sufficient number of ironclads for defence. The outbreak of war, the only covering the seas and of destroying the commerce of our enemy would be hiring or commissioning merchant ships, and he contended that since Russia declined to be bound by the provisions of the Treaty which related to the Blockade, the best course for us to pursue was to declare that we would no longer be bound by Declarations which were framed in our interest but in that of others. He had great pleasure in supporting the Motion of his hon. Friend the Member for the Isle of Wight.

MR. SERJEANT SIMON: Sir, the hon. Member for Preston (Mr. Hay) as well as the hon. and gallant General who has just sat down (Sir John Hay) appealed to me, and referred to the opinion which I expressed on a former occasion when this question was before the House. I trust that the House will give attention for a short time. In answer to the hon. Gentleman's appeal, to say that my opinions have not changed. I have always thought, and I still think, that the so-called Declaration of 1856 was a serious mistake, and that if our Plenipotentiary put his hands to the document he did an act which, in my judgment, will materially affect the interests, and, I will add, the safety of this country in time of war. Holding that opinion, I nevertheless feel much great difficulty when called upon to support the Motion of the hon. Gentleman the Member for the Isle of Wight (Mr. Baillie Cochrane). According to the terms of the Motion, the safety of our maritime rights in time of war is made to depend, in a manner, "the opportunity arising out of the Conference at Brussels." I do not see the connection. If there is any connection, Her Majesty's Government which

and, I believe, has received, the approval and thanks of the world, it is the course they have taken with respect to the Conference of Brussels. They consented to send a representative to Brussels, they did so under reservations and restrictions having relation to this very matter of our maritime rights, and they have since refused altogether to take part in the adjourned Conference. What opportunity, then, does the Conference offer? Does the hon. Gentleman (Mr. Baillie Cochrane) think that Her Majesty's Government will reverse their policy and send a representative to St. Petersburg? The result of that Conference have been decided. We now know that the result of military operations on land was the sole purpose for which the Powers have been invited to meet, and Her Majesty's Government when they undertook this, did wisely, I think, in declining to take any further part in the proceedings. Again, with regard to "withdrawing," as the Motion is, from the Declaration of Paris, I would ask the hon. Member (Mr. Baillie Cochrane) to consider whether the Declaration is or is not an engagement. If it is an engagement, then it cannot be withdrawn from it without the assent of the other parties. To do so would be a breach of honour and good faith. If it is not an engagement, then there is nothing to withdraw from. There is a great deal of misapprehension on this point. There is a notion in some quarters that because the Declaration is not a Treaty properly so-called, we are not bound by it; but just as in private life might be bound by a pledged word,—by a parole d'honneur, so may a nation be bound in honour and good faith,—by a promise not bearing the more formal character of a Treaty. I have always condemned and condemned what was done at the Congress of Paris, believing it fraught with evil, and probable mischief for us hereafter. I may be in the wrong in this opinion. If I am, I but follow the error of many of our most distinguished statesmen and public men. The opinion has been expressed not only by the right hon. Gentleman opposite the present Prime Minister, and by his Colleagues, but by the late Lord John Stuart Mill and Earl Russell. He was a great philosopher, whose

whole life was devoted to the study of what was best calculated to promote the freedom and the happiness of mankind; he was also for some years in Parliament, and sat on the side of the House on which I sit. The other is a renowned and experienced practical statesman, who was for a long time at the head of the Liberal Party in this country. All these eminent men have condemned the Declaration of Paris. Considering the circumstances under which it was signed, the country had a perfect right at the time, or within a reasonable time afterwards, to renounce it altogether, and to tell the Powers of Europe that the Parliament of Great Britain—that the English nation—would not consent to part with, or to jeopardize, one iota of its power as a great nation, or of its means of self defence in time of war. I say that Parliament should, at the time, or within a reasonable time after, have declared itself upon the matter, and have called upon the Government of the day to make known our refusal to sanction the course taken by our Plenipotentiary. But what was done? There were debates in both Houses; that was all; and although two or three times since the matter has been discussed in one House or the other, for 19 years we have slept upon our rights, and not only have we taken no active measures to intimate our dissent, but we have induced other nations to accept the Declaration. How then can we now, with any regard to consistency or honour, call upon the Government to "withdraw" from the Declaration? This is the position in which we are placed. We cannot "withdraw;" we cannot repudiate; and yet a time will come, as I firmly believe, when our safety, as well as our honour, will require us to take decisive action in this matter, and when, perhaps, war alone will relieve us from this fatal engagement. The hon. Member who moved the Previous Question (Mr. Cartwright) has referred to Treaties which have been entered into between ourselves and other countries, in order to show that we had given up before what was given up by the Declaration of Paris, and that, therefore, we had not parted with any very important advantage when we gave up the right of seizing enemy's goods in neutral vessels. In fact, as I understood the hon. Gentleman, or as I have heard others

argue, these Treaties go to show that this power of seizure was always opposed to the general feeling of Europe, and that, therefore, we had been obliged from time to time to yield it up. Nothing can be more fallacious. There is the widest possible distinction between waiving a right on a particular occasion, or in a particular case, and giving it up altogether. This is what was done at the commencement of the last war with Russia, when we waived our right of seizure, and this is what was done by the Treaties referred to by the hon. Gentleman. Each of those Treaties was between this country and some particular nation, and was entered into to serve a specific object. They contained stipulations for certain reciprocal advantages, and in time of war between ourselves and any one of those nations a Treaty so made was to be, and was, of no effect. Nay, so far from these Treaties affording proof that the Law of Nations, or the general opinion of nations, was opposed to the right of seizure in time of war, they show the very contrary. The very fact of entering into Treaties or inserting stipulations on the subject was an admission of the right as a well-known, acknowledged, universal maritime rule. The hon. Gentleman (Mr. Cartwright) said that hon. Members should study History and Treaties more minutely before citing them, and he then referred to two or three in particular, and called special attention to the Treaty with Holland, which was negotiated by Sir William Temple. He could not have cited a more unfortunate instance. What was the history of that Treaty? After it had been in existence some 90 years we went to war with France, and finding that the Dutch were rendering material assistance to the French, especially in their trade with their Colonies, we issued an order to our cruisers to seize all enemy's goods in Neutral vessels. The Dutch remonstrated, but we persisted, and we put a stop to the French Colonial trade. Here was an example of what the necessities of a war entailed upon us as a maritime nation, and of the impossibility of giving up under all circumstances a right, or a usage, which we had always exercised, and which was necessary to our strength in time of war. I repeat, the hon. Gentleman (Mr. Cartwright) could not have cited a more unfortunate instance for his argument, nor

could he have practised himself except respecting the study of History. Treaties which he enjoined upon us. But it is said that this practice of seizing enemy's goods in time of war is a barbarous practice, and owes its origin to barbarous times. What are the times, and what is the Law of Nations on this subject? I will not go so far as the Roman Empire; I will content myself with the period of the Maritime Code known as the *lato del Mare* became the acknowledged Law of Europe. This period has variously fixed, but general assents assign it to the 13th century. It was the condition of Europe. There was the Greek Emperor on the throne at Constantinople. Syria, Cyprus, and the Balearic Isles were actively engaged in commerce. The Republics of Venice and France and Spain alike, were engaged in trade. In the West, the Emperor was on the throne, his influence extended to the Netherlands, and as far as the Southern coast of the Baltic. All civilized Europe, from the East to the West, throughout the Adriatic and the Mediterranean, and up to the North Sea, as the Baltic, was engaged in commerce. It was at that time, and under those conditions, and it was by these nations and communities, that this code of law was accepted as the rules that regulate their intercourse, and their relations in time of war. And this was the particular rule of which we are speaking—I mean with reference to the right of seizing enemy's goods in neutral vessels? Why, it was this—it may be summed up in a few words—namely, that a neutral vessel not be allowed to feed the resources of a belligerent as against another, in order to prevent this, besides the trahison of war, an enemy's vessel should be seized whenever found on board a neutral vessel. And how was this done? Not to the injury of the neutral, but of the belligerent. The goods of the enemy were seized, but not the vessel. The vessel, after adjudication in a Court of Law, was not only released, but the owners were to be paid, and the freight to which they were entitled had to be paid, and the goods to their destination,

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stances demurrage was allowed. What was there either unfair or parous in such a law? This was acknowledged public law of Europe to the Declaration of Paris. Two years after the time of which I am speaking, Grotius mentions the provisions of the *Consolato* as contained in the constitutions of the Maritime Republics. Albericus Gentilis, Molloy, Lamblin, Meinecius, Bynkershoek, our own Vattel do the same. In England Lord Stowell, and Wheaton, and Kent—three great Americanists—repeat and confirm the authority of these writers. These men are all jurists, of the highest order of authority, belonging to different countries, it may be supposed, having in some respects different interests and interests upon many questions of national, or public policy; and yet they all agree in asserting and confirming the provisions of the *Consolato* as a part of public law. It was never until the refusal of Frederick the Great to satisfy the English claims after the cession of Silesia, and then, for the first time, the attempt was made to put forward the new principle that "free ships make free goods;" but we resisted this, and the English claims were paid. Towards the celebrated Commission, as the Prussian Commission, was constituted in order to alter the old maritime code, and establish a set of rules favourable to Prussian interests. Memorials which were issued by the Commission were answered by the letter of the Duke of Newcastle, and a masterly report which Lord Mansfield, then Solicitor General, assisted in drawing up, and we heard nothing of the new doctrine until the Armed Neutrality of 1780 when the Empress Catherine determined to give effect to new principles of maritime law. That became of the Armed Neutrality we all know. It was levelled against us; but 15 years after every nation that had joined in combination against England, one by one, as soon as it was found that the new rule touched its interests, joined it, Russia itself being the instigator. It is curious, if the law will allow me, to refer to some of the treaties made by these nations when entering the engagement into which they had entered. France was the first

to throw over the new rule. By a decree of the National Convention of the 9th May, 1793—"enemy's goods on board neutral vessels" were declared "good prize, the neutral ships being released and freight paid by the captors." Here is the old rule of the *Consolato* revived. This decree was enforced by a decree of the Executive Directory of the 2nd March, 1797. On the 8th February, 1793, Russia renounced her Treaty of 1786 with France, declaring that the principle "free ships free goods" should be "no longer obligatory until the restoration of order in France," that is, until the French nation should acknowledge the "right divine of kings to govern wrong." In the same year Russia renewed with England her Treaty of 1766, stipulating that neutral commerce should be carried on "according to the principles and rules of the Law of Nations generally recognized"—that is, according to the old established rule of the sea. On the same day she made another Treaty with us engaging that the contracting powers should unite all their efforts—to do, what does the House think?—

"To prevent neutrals from giving on this occasion of common concern to every civilized State, any protection whatever, directly or indirectly, in consequence of their neutrality, to the commerce or property of the French on the sea, or in the ports of France."

A similar article was inserted in the Treaty of the same year between Great Britain and Spain, between Great Britain and Prussia, and between Great Britain and the Emperor. Thus, as all these Powers had combined against us to establish a new rule, the moment they found themselves affected by it, they combined again to abandon the principles of the Armed Neutrality and to reaffirm the old rule. The new rules were abandoned by Sweden in the year 1788, and by Russia, France, Spain, Prussia, and by the Emperor. In 1809, Russia herself issued a ukase declaring that—

"Ships laden in part with goods of the manufacture or produce of hostile countries shall be stopped, and such merchandize confiscated and sold by auction for the profit of the Crown; and," the article continues, "if the merchandize aforesaid compose more than half the cargo, not only the cargo, but also the ship shall be confiscated."

After these specimens of Treaties, which of these nations has a right to set up as

a claimant for enlarged privileges of neutrality? But the great grievance, or at least the danger arising from the right of seizing enemy's goods, as I have always understood it, was not so much the seizure itself, as the right of search which it involved. This was the chief cause of our differences with the United States of America in 1812. But has the Declaration of Paris removed this grievance, or this danger? It has expressly excepted contraband of war. But how are you to ascertain whether a vessel is carrying contraband of war, unless you go on board and search her? There is no stipulation that the production of the ship's papers shall be sufficient; so that, according to the terms of the "Declaration," if we were at war, we should have still the right to go on board a neutral ship, in order to satisfy ourselves as to whether she was carrying contraband or not. But it has been said the right of seizure is an interference with trade, and that it is demoralizing to allow our maritime population to be rovers on the seas, seizing and carrying away, as spoils of war, the property of innocent people. But I would ask, is it not more demoralizing to feed a war for the sake of gain, to assist an enemy's resources, and enable it to prolong the miseries which war entails? Is it conducive to public morality that one part of a nation shall be at peace while the other is at war? That your merchants and traders shall be carrying on a roaring trade with the enemy, increasing and strengthening its means of aggression or resistance, while we are sending the bravest, the very flower, of our youth to bleed and to die on the battle-field? To my mind, there is a heartless selfishness involved in such a condition of things that is repugnant to every manly sentiment. This is not the way to foster or promote public spirit, or great national virtues in a people—to employ the terse eloquence of the right hon. Gentleman opposite (Mr. Disraeli),—"You might produce rich communities, but you will create weak States." This modern notion of humanizing war, as it is termed, may be well expressed in the phrase, "Slay your enemy, but spare his property"—yes; "Blow him to atoms at the cannon's mouth, but do not touch his goods." How are we, a maritime nation, to defend ourselves against a formidable military power

upon such a principle? If Russia to cross our Indian frontier, by military force could we resist her? could we oppose her, except by closing her trade and annihilating her commerce? If a war were to arise—God forbid—such a thing should happen—between ourselves and the United States, our army were marched into Canada, resistance could England make upon the ocean? These are considerations of a practical character that to my mind outweigh the mistaken, however well-meant notions of those who would humanize, as they think, by giving immunity to the trade of belligerents, and converting it into a sort of duel by proxy between nations. Sir, that is not my notion of humanity, or of a sound national or international policy. Every nation owes a duty to itself. It owes a duty also to the world for to each one a mission has been given. As Rome taught the art of government and the science of law, so it has ours to spread the blessings of liberty to show how freedom can combine with social order, and how a nation is free will become great. As one of the most civilizing influences of the world—one, so to speak, of its chief agents—let us beware lest we lose our position among the great family of nations, and so weaken our power for good.

SIR H. DRUMMOND WOLFE. The question appeared to divide itself into two parts; first, whether it would be advantageous to this country to draw from the Declaration of Paris, secondly, whether they were morally entitled to do so? At present, he did not see what great service their country would be to them in case of war if they maintained the stipulations of the Declaration. Were they to confine the operations of their fleet merely to the attack of fortresses which were situated on the sea, or of the vessels of their enemies? They were debarred from doing the former by the new system of torpedoes, while they were precluded from attacking men-of-war by their remaining under the protection of their own fortresses. Therefore, the function of their fleet would be to blockade the shores of England, or to attack the merchant ships of other countries. He would remind the House of the conduct of Russia, after the Treaty of

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the reason they thought themselves bound to abandon. Therefore, he said the course taken by the Government was no limit as much as possible the course to be considered by the Conference at Brussels. That course was decided. It was laid down in papers before the House. They perfectly determined not to enter any discussion of the rules of International Law by which the relations of nations were guided, or undertake new obligations or engagements of any kind in regard to general principles and they required, before sending a delegate to the Conference, the most explicit and distinct assurances from the Government taking part in the Congress they agreed to the course proposed by the Government, and would not enter in any shape, directly or indirectly, anything relating to maritime relations or naval warfare. Such were the instructions given to General Lord, and that officer had carried out the instructions to the entire satisfaction of the Government. Having laid down as the rule of their conduct the Government would have been bound to blame if they had departed from it, and they should have been aware of the grossest inconsistency if they had brought forward any subjects that suggested by the hon. Member for the Isle of Wight. He need not go into the reasons for not going further. It had been asserted that the Government of St. Petersburg had some reason for inviting us to join the Conference in that City. He was not aware what that secret reason could be; there was a secret reason, it was more necessary for the Government to take the course they did on that point—not to allow any discussion of questions of International Law, nor to follow the suggestion of the hon. Member for the Isle of Wight. In the course which they had taken, the Government had received the unanimous support of the Press throughout the country, and they had also received the approval of the country for having adhered to that course. The Declaration of Paris contained four points, but after all, it was only one to which very serious objection had been taken, and that was the Article with regard to the capture of enemy's goods out of

principle that "free ships made free goods," there could be no doubt the country gave up a belligerent right she had exercised from very ancient times, and which she considered a powerful arm of maritime warfare. There was no doubt that that right had been incorporated from time immemorial in the code of our maritime laws, and this country on two memorable occasions showed that it was prepared to brave nearly the whole world for the purpose of sustaining those ancient maritime rights. That right had been sanctioned by the highest authorities, ancient and modern—by Grotius, Vattel, Hubner, Chief Justice Marshal, Kent, Story, and Wheaton. Under these circumstances, we could not be surprised that there were living statesmen among us who had the greatest possible doubt as to the wisdom of the course taken in 1856, and that we ought to leave ourselves to act, as in 1854, not binding ourselves by any new Declaration, but acting on the principle of what was most expedient for us to adopt. But that was not the question of the present day. The question now was, having now this Declaration as part and parcel of International agreements—was it our duty to denounce that Declaration because at the time when we entered into it there were some persons in this country who thought we had taken a false step? These persons seemed to forget that by such a course we were met face to face by another Declaration—the Declaration that was made, on the meeting of the Black Sea Conference in London in 1871, which was to this effect—

"That it is an essential principle of the Law of Nations that no Power can liberate itself from the engagements of a Treaty, nor modify the stipulations thereof, unless with the consent of the contracting Powers by means of an amicable arrangement."

Both Houses of Parliament had refused to denounce the Declaration of Paris when the subject had been brought before them. They had refused to alter the terms of the Declaration of Paris, and he was a little surprised to hear some hon. Gentlemen say that because that instrument was not ratified we were not bound by it. All he could say with respect to that was, that he hoped he should never see the day when a Minister of the Crown or one of its Law Officers would repudiate an engagement

sible for the foreign policy of this country; but he should like to lay before the House the opinion of Earl Russell concerning it. In 1857 the noble Earl said—

"The rules—'Free bottoms make free goods,' and 'The goods of a belligerent are safe in neutral vessels, and the goods of a neutral safe in belligerent vessels,' have always been regarded as injurious to the interests of maritime countries, and especially to the maritime power of England. . . . I hope no Minister of Great Britain will set his seal to a treaty containing any stipulations of this kind without the most cautious deliberation."—[3 *Hansard*, cxliv. 2084-6.]

The late Earl of Derby said, in 1856, that—

"Whatever losses Russia may have suffered by this war, whatever embarrassments she may have experienced, I hesitate not to say that they are more than compensated by the adoption of that one Article."—[3 *Hansard*, cxlii. 537.]

What said Mr. Stuart Mill?—

"Sir, I venture to call the renunciation of the right of seizing enemy's property at sea a national blunder. . . . Unless by resuming our natural and indispensable weapon we place ourselves again on an equality with our possible enemies, we shall be burthened with these enormous establishments and these onerous budgets for a permanency, and, in spite of it all, we shall be for ever in danger, for ever in alarm, cowed before any Power or combination of Powers capable of invading any part of our widely-spread possessions. . . . Happily, the blunder is not an irretrievable one. The Declaration of 1856 is not a Treaty. It has never been ratified. The authority on which it was entered was but the private letter of a minister. . . . How war is to be humanized by shooting at men's bodies instead of taking their property, I confess surprises me."—[3 *Hansard*, clxxxix. 878-882.]

Mr. Cobden said—

"The Congress declared that the neutral flag covered enemy's goods. This resolution reverses the most venerated judgments of our Admiralty Courts, and for the first time imparts the force of maritime law to principles which were resisted by England against the world in arms until the close of 1815. The practical effect would be in case of war with a naval Power to transfer the trade of even our own ports to the neutral Powers."

There was only one other authority he should like to quote, and it was that of Mr. Mitchell, his former Colleague, who said—

"I believe there is no man acquainted with Russia, who would not be of opinion that the greatest means of coercion that could be used against Russia would be the closing of her ports and the stopping of her export trade; and that the best means of hostility against Russia at the beginning of the war would have been to take steps to stop the whole of the export trade of that country."

Mr. Baillie Cochrane

The authorities he had quoted were most eminent men on both sides of the House. He could refer to several other men in support of his view, but to none more important than these. This was not a Party question. It was a question concerning the interests and the maritime greatness of this country. If we accepted the principle that a neutral flag covered enemy's property all the neutral countries would take possession of our place, and the name that Napoleon gave to our Volunteers of the sea in time of war—namely, *les loups de mer*—would be swept away. If we were to have Volunteers for the defence of our shores, we were equally justified in making use of our great commercial marine in case of war to defend this country. There were various points of view from which the question might be argued. There was the point of view—free ships; then there was another point—that the sea was the highway of all countries, and that in the case even of a ship carrying contraband of war she should not be searched, but he could not conceive anything more fatal—he might almost say, more ridiculous—than such an idea as that. There were thousands of persons who adopted the principle of *Silent leges inter arma*, and who thought that the Declaration of Peace was nothing—was not, in fact, to be taken into consideration in time of war. That, however, was not an honourable way of looking at the question. Do not let us follow the bad example of 1870 in this matter, when a Treaty was torn up and declared to be so much waste paper. There were those also who said that as we did not intend to interfere with foreign politics, free ships in time of war would be of the greatest possible advantage to us; but then it would be necessary that we should carry out a selfish isolated policy, and we might as well have no Army and no Navy at all. It had been well said that England did not so much support the right of search as the right of search supported England. The extent and variety of our commerce were so great that we, more than any other nation, were bound over to keep the peace of Europe, but for that very reason we ought to have at our command every means of hostility in case we were dragged into war. No fortifications, no torpedoed, no ironclads, no increase of

our Army or Navy, could give us the power that we should derive from the right of seizing enemy's goods at sea in time of war. He denied that we might be called upon by military Powers to discuss that right. We were a great maritime Power. Of all the commercial Navies of the world put together, what was the proportion of ships which belonged to England? 37 per cent. And of the steam navies of the world 58 per cent of the steamers belonged to England. Surely that placed us in an exceptional position. If we armed those great ocean steamers in case of war, and allowed them to defend themselves, what a force we should have. He knew that Lord Clarendon said he was going to inaugurate an era of peace. That prophecy was not fulfilled at all. He (Mr. Baillie Cochrane) was not there to prophesy disaster, but he could not be blind to facts. Twenty years ago the Russian frontier was 1,000 miles from our Indian possessions; now it was not much more than 80; and that was owing to the apathy with which we had viewed these matters. He contended that unless we were to adopt for ever a principle of selfish isolation, we should do everything to maintain the maritime greatness of this country. We had heard a great deal—and he thought we had heard too much—about the "silver streak" that protected us. As long as we insisted on having our maritime rights we should have command of the seas of the world. As Lord Nelson said—

"We should lose our last shilling and the last drop of blood of our last man sooner than give up those maritime rights."

In 1870 Prince Gortchakoff wrote to Count Brunow—

"The Emperor commands you to declare that His Imperial Majesty cannot any longer be bound by the stipulations of the Treaty of Paris, as they restrict His Majesty's rights in the Black Sea."

If, then, he (Mr. Baillie Cochrane) should be told that he was doing wrong in proposing that this country should withdraw from the Declaration of Paris, his reply would be that the Treaty of Paris was at an end when the Emperor of Russia disregarded the greatest stipulation in it, and for the insertion of which stipulation we had expended a great deal of money and blood. He would urge upon the House, by their

vote that evening, to let foreign Governments know that we were determined to go back to the England of long ago; and by exercising to the fullest extent when occasion should require their maritime rights to do everything in their power to maintain the dignity and independence of the Empire. The hon. Gentleman concluded by moving his Resolution.

Mr. HERMON, in seconding the Motion, thanked his hon. Friend, to whom he thought the House and the country were indebted for having brought forward this important question at such a favourable opportunity. There was at present peace upon the Continent, and we could therefore withdraw with honour from engagements which had never been ratified by the Queen, sanctioned by Parliament, or approved of by the people. His hon. Friend had so eloquently explained that portion of the subject, and had given so many quotations from the speeches of eminent men and high authorities, that he would not weary the House by going over the same ground. It had been said that in case of war this was a Declaration which would be at once rescinded; and, therefore, its continuance placed England in a position which she ought not to occupy. For his part, he hated and detested war, and he might be asked why then did he support the Motion? His object in doing so was that war might be made as disagreeable as possible, so that it might become hateful in the eyes of all civilized nations, who would thus be induced to recoil from it. He was aware that the proposition before the House would not be pleasant to the Representatives of those nations who took part in the Declaration agreed to at Paris; but they were not there to make things pleasant, but rather to make war odious. It ought to be thoroughly understood by other nations that England was prepared to exercise in time of war her great maritime power in her own defence, and that, he thought, was one of the things which would prevent us drifting into war. He could not but remember the great amount of sympathy which had been exhibited in this country for the sick and wounded during the Franco-German War, and the large fund which had been raised for their relief. He must say he regretted that he had contributed to that fund, for he now believed that it was false philanthropy

to do so. The horrors war entailed ought to be forced upon the attention of the nations that went to war, and it ought to be shown them that it was as much their duty to provide food and medicine for their soldiers, as it was to provide powder and shot for them to fight with. With respect to the question of the neutral flag, Mr. Pitt said in that House, in the face of a powerful Opposition—

“That although he was anxious for peace, yet upon the question of the neutral flag covering the cargo of the enemy, sooner than give it up he would wind it round him and find his glory in his grave.”

On the 22nd of May, 1856, Lord Colchester brought forward a Motion in the House of Lords to the effect that the right to capture an enemy's goods on board a neutral vessel was an inherent right, the abandonment of which was a serious injury to our naval power; and the late Lord Derby declared that “in signing that Declaration”—that of Paris—“you have sacrificed the maritime greatness of England on the shrine of Russia”—[3 *Hansard*, cxlii. 537]—while Lord Hardwicke said that “It had struck down the maritime power of England.”—[*Ibid.* 508.] And what said Lord Clarendon himself on that occasion? He intimated that he had not acted within the strict limits of his attributions, by which he supposed the noble Earl meant his instructions. He would remind the House that the United States had declared that in the event of war they would not renounce the use of their Mercantile Marine. Under such circumstances, what position would we be in if we were at war with the United States or with any country of which the United States was an ally? Surely England would not allow herself to be placed at so great and serious a disadvantage? On such a subject the House ought to take a decided view, and express themselves as those who had gone before them had done—in a manner that could not be mistaken. The opinion expressed by Mr. John Stuart Mill on this question had been already quoted by his hon. Friend, and in that patriotic opinion he fully concurred. The right hon. Gentleman at the head of the Government had expressed himself strongly on this subject. He said—

“I believe it (the Declaration of Paris) to have been a most impolitic step, calculated to cripple the Powers of this country . . . we must

emancipate ourselves from its fatal trammels in a regular manner.”—[3 *Hansard*, ccv. 1497-8.]

There could not, then, be a more regular or constitutional manner of doing so than by means of the action of Parliament. It having been declared that by the declaration in the Treaty of Paris we had given up the cardinal principle of our maritime power, and that in consequence of that Treaty never having been ratified by Parliament or by the Queen it was not binding upon us, he thought the present moment, when peace was universal, was the best that could be selected for repudiating our obligations under it. He would further suggest that Her Majesty's Government should take this opportunity of sweeping away many other obsolete Treaties which trammelled us, and which at some future date might be productive of inconvenience if not of danger to this country.

Motion made, and Question proposed,

“That, in consequence of a Conference having been held at Brussels in 1874 on International Law, and the proposed renewal of the Conference at St. Petersburg this year, a favourable opportunity is afforded to the Country of withdrawing from the Declaration of Paris of 1856, and thus maintaining our maritime rights, so essential to the power, prosperity, and independence of the Empire.”—(*Mr. Baillie Cochrane.*)

MR. CARTWRIGHT assured the hon. Member for the Isle of Wight (*Mr. B. Cochrane*) that it was not from any underrating of the importance of the subject, or from any desire to restrict the maritime force which this country could command in time of war, that he rose to move the Previous Question. It had seemed to him from the first that the Resolution which had just been submitted was extremely inopportune—that there was no practical reason for bringing it forward, and this impression had been fully confirmed by the speech of the hon. Member. The substance of the charge brought against the Declaration of Paris appeared to be that it involved an apostasy from principles which had hitherto governed the policy of this country. He believed it could be shown conclusively by a reference to the acts of English statesmen of undoubted patriotism that that argument was not founded in fact. The Lord Protector Cromwell, who in a peculiar degree sought to establish British ascendancy

Mr. Hermon

at sea, put his hand to a Treaty by which the principle of a neutral flag covering an enemy's goods was recognized. Sir William Temple, no mean exponent of British feeling, took part in carrying out a similar policy. The principle was acknowledged in the Treaty of Utrecht, and in 1786 it was embodied by Mr. Pitt in a celebrated Treaty of Commerce. In one respect the Declaration of Paris was an improvement on preceding instruments, for it did not renew a preferential bonus in favour of French shipping which had previously been allowed. On no occasion, he would observe, was the Declaration of Paris condemned, although it had been reviewed and discussed in that House, not only in heat and passion, but also at subsequent periods. In the year 1860 the matter was considered by a Select Committee of the House of Commons on the Merchant Shipping question—a Committee remarkable for having among its Members such men as Mr. Lindsay, Mr. Milner Gibson, Mr. Baring, Mr. Cardwell, and the Representative of West Norfolk. By that Committee the question of belligerent rights was discussed, and they stated in their Report that, while aware that grave objections had been urged by high authorities against the Declaration of Paris, they could not refrain from expressing the hope that in the interests of humanity and civilization all private property not being contraband of war should be exempt from seizure. The Committee went on to say that Great Britain was deeply interested in the adoption of such a course, inasmuch as she had at all times a greater amount of property afloat than any other nation. On that recommendation he would not venture to pronounce any opinion, beyond remarking that it showed the Declaration of Paris had not been subjected to all the censure which some supposed. But it was contended that the Declaration might be acted upon unjustly. In contradiction, however, to that, he would point out that when hostilities had occurred between the Republic of Chili—which was a party to the Declaration—and Spain—which was not a party to it—all the facilities and advantages for war the loss of which was deplored by those who were opposed to the Declaration were brought into requisition with the assent of all by the Republic of

Chili. No argument had, therefore, he maintained, been adduced by the hon. Member for the Isle of Wight to justify the course which he asked the House to adopt; and he would appeal to hon. Members not by a chance vote to reverse that which was a very solemn agreement, made after mature consideration, and the spirit and substance of which had been ratified by public opinion, as expressed by those who represented it in Parliament. He begged to conclude by moving the Previous Question.

SIR JOHN HAY said, the subject now under consideration was one on which he should not have ventured to intrude his opinions were it not that the defences of the country and its maritime supremacy were principally delegated in time of war on the Navy. The argument of the hon. Member who had just sat down was rather in support of maintaining the principles of the Declaration of Paris untouched than the postponement of its consideration to some more convenient time. He would, therefore, endeavour to show that it was an entire mistake and would go far to sap the naval power of this country, in the event of our being engaged in war. By the 11th Article the neutralization of the Black Sea had been effected, and the result had been the Convention between Russia and Turkey, closing the Dardanelles to ships of war, and limiting the naval forces in the Black Sea. It was a Treaty binding and ratified by the contending parties. The Treaty of Paris, so called, was not a Treaty in any sense of the word, and was negotiated by Ambassadors that were not accredited for that particular purpose. In his opinion, the first two Articles of that Treaty were calculated to impair the naval supremacy of England. They contained this declaration of maritime law:—1. Privateering is and remains abolished. 2. The neutral flag covers enemy's goods, with the exception of contraband of war. 3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag. 4. Blockades, in order to be binding, must be effective—that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy. It was laid down by a high authority that—

“The Law of Nations gives to every belligerent cruiser the right of visitation and search

of all merchant ships, wherefore resistance to such search amounts to a forfeiture of neutrality. Particular States have relaxed the rigour of this rule, and by express Treaty granted immunity by establishing a maxim—free ships, free goods. A neutral ship refusing to be searched would from that proceeding alone be condemned as a lawful prize. If we find an enemy's effects on board a neutral ship we seize them by the rights of war; but we are bound to pay the freight to the master of the neutral ship, who is not to suffer by such seizure. The effects of neutrals found in an enemy's ship are to be restored to the owners, against whom there is no right of confiscation, but without any allowance for detainer, decay, &c."

And with regard to neutral things found with an enemy—

"Since it is not the place where a thing is, which determines the nature of that thing, but the character of the person to whom it belongs, things belonging to neutral persons which happen to be in an enemy's country, or on board an enemy's ship, are to be distinguished from those which belong to the enemy."

These principles were laid down in a book which was put into the hands of naval officers for their guidance. As a general principle it seemed to him that this right of seizing an enemy's goods wherever they might be found ought to be maintained. There was no doubt that unless our Navy had that power the enemy would obtain an advantage over us. A practical difficulty arose immediately after the rupture of 1803. French commerce was spreading all over the world, and a large number of French vessels were in the Black Sea. These vessels Nelson had made arrangements to seize and secure, because they were not only conveying the commerce of the enemy, but that which would have been contraband of war also, if they succeeded in escaping Nelson's vigilance. He stated in his despatch that he was thrown into great difficulty by reason of the facilities the enemy's ships had of changing their flags. It was stated in the *Life of Nelson*—

"Without entering into the merits of the case . . . there was great cause for suspicion that the vessels or cargoes, or both, were belonging to enemies, and were merely covered with neutral papers. My orders are positive for respect to the neutral flag. . . . I shall only lastly observe that 170 French vessels were in the Black Sea at the commencement of hostilities, and that by a magic touch of merchants they became in a moment Russians, Imperials, Ionians, Ragusans, and not one French vessel remained."

If Nelson had not had then the power which the hon. Gentleman the Member

Sir John Hay

for the Isle of Wight asked to have restored, the transfer of the flag would, under the Declaration of Paris, have allowed them to have eluded his vigilance. All experience, he maintained, went to show that this power of searching neutral vessels and seizing an enemy's goods on board was one of the highest importance. In respect to privateering, also, he thought we should do well to denounce the Declaration of Paris. No doubt, however desirous this country might be of manning a large naval force, and we had, as he thought we had not, a sufficient number of ironclads for defence on the outbreak of war, the only way of covering the seas and of destroying the commerce of our enemy would be by hiring or commissioning merchant ships; and he contended that since Russia declined to be bound by the portion of the Treaty which related to the Black Sea, the best course for us to pursue was to declare that we would no longer abide by Declarations which were framed, not in our interest but in that of others. He had great pleasure in supporting the Motion of his hon. Friend the Member for the Isle of Wight.

MR. SERJEANT SIMON: Sir, as the hon. Member for Preston (Mr. Hermon), as well as the hon. and gallant Gentleman who has just sat down (Sir John Hay), has appealed to me, and referred to the views which I expressed on a former occasion when this question was before the House, I trust that the House will give me its attention for a short time. In answer to the hon. Gentleman's appeal, I beg to say that my opinions have not changed. I have always thought, and I still think, that the so-called Declaration of Paris was a serious mistake, and that when our Plenipotentiary put his hand to that document he did an act which, in my judgment, will materially affect the interests, and, I will add, the safety of this country in time of war. Holding this opinion, I nevertheless feel myself in great difficulty when called upon to support the Motion of the hon. Gentleman the Member for the Isle of Wight (Mr. Baillie Cochrane). According to the terms of the Motion, the assertion of our maritime rights in time of war is made to depend, in a manner, upon "the opportunity arising out of the Conference at Brussels." I do not see the connection. If there is any one act of Her Majesty's Government which com-

mands, and, I believe, has received, the universal approbation and thanks of the country, it is the course they have taken with respect to the Conference of Brussels. When they consented to send a representative to Brussels, they did so under reservations and restrictions having relation to this very matter of our maritime rights, and they have since refused altogether to take part in the adjourned Conference. What opportunity, then, does the Conference offer? Does the hon. Gentleman (Mr. Baillie Cochrane) mean that Her Majesty's Government should reverse their policy and send a Representative to St. Petersburg? The objects of that Conference have been disclosed. We now know that the regulation of military operations on land is not the sole purpose for which the Powers have been invited to meet, and Her Majesty's Government when they found this, did wisely, I think, in declining to take any further part in their proceedings. Again, with regard to our "withdrawing," as the Motion expresses it, from the Declaration of Paris, I would ask the hon. Member (Mr. Baillie Cochrane) to consider whether the Declaration is or is not an engagement. If it is an engagement, then we cannot withdraw from it without the consent of the other parties. To do so would be a breach of honour and good faith. If it is not an engagement, then there is nothing to withdraw from. Now, there is a great deal of misapprehension on this point. There is a notion in some quarters that because the Declaration is not a Treaty properly so-called, we are not bound by it; but just as a man in private life might be bound by his pledged word,—by a parole undertaking, so may a nation be bound—bound in honour and good faith—by a document not bearing the more formal attributes of a Treaty. I have always regretted and condemned what was done at the Congress of Paris, believing it to be fraught with evil, and probable disaster for us hereafter. I may be wrong in this opinion. If I am, I but share the error of many of our most eminent statesmen and public men. The same opinion has been expressed not only by the right hon. Gentleman opposite, the present Prime Minister, and many of his Colleagues, but by the late Mr. John Stuart Mill and Earl Russell. The one was a great philosopher, whose

whole life was devoted to the study of what was best calculated to promote the freedom and the happiness of mankind; he was also for some years in Parliament, and sat on the side of the House on which I sit. The other is a renowned and experienced practical statesman, who was for a long time at the head of the Liberal Party in this country. All these eminent men have condemned the Declaration of Paris. Considering the circumstances under which it was signed, the country had a perfect right at the time, or within a reasonable time afterwards, to renounce it altogether, and to tell the Powers of Europe that the Parliament of Great Britain—that the English nation—would not consent to part with, or to jeopardize, one iota of its power as a great nation, or of its means of self defence in time of war. I say that Parliament should, at the time, or within a reasonable time after, have declared itself upon the matter, and have called upon the Government of the day to make known our refusal to sanction the course taken by our Plenipotentiary. But what was done? There were debates in both Houses; that was all; and although two or three times since the matter has been discussed in one House or the other, for 19 years we have slept upon our rights, and not only have we taken no active measures to intimate our dissent, but we have induced other nations to accept the Declaration. How then can we now, with any regard to consistency or honour, call upon the Government to "withdraw" from the Declaration? This is the position in which we are placed. We cannot "withdraw;" we cannot repudiate; and yet a time will come, as I firmly believe, when our safety, as well as our honour, will require us to take decisive action in this matter, and when, perhaps, war alone will relieve us from this fatal engagement. The hon. Member who moved the Previous Question (Mr. Cartwright) has referred to Treaties which have been entered into between ourselves and other countries, in order to show that we had given up before what was given up by the Declaration of Paris, and that, therefore, we had not parted with any very important advantage when we gave up the right of seizing enemy's goods in neutral vessels. In fact, as I understood the hon. Gentleman, or as I have heard others

argue, these Treaties go to show that this power of seizure was always opposed to the general feeling of Europe, and that, therefore, we had been obliged from time to time to yield it up. Nothing can be more fallacious. There is the widest possible distinction between waiving a right on a particular occasion, or in a particular case, and giving it up altogether. This is what was done at the commencement of the last war with Russia, when we waived our right of seizure, and this is what was done by the Treaties referred to by the hon. Gentleman. Each of those Treaties was between this country and some particular nation, and was entered into to serve a specific object. They contained stipulations for certain reciprocal advantages, and in time of war between ourselves and any one of those nations a Treaty so made was to be, and was, of no effect. Nay, so far from these Treaties affording proof that the Law of Nations, or the general opinion of nations, was opposed to the right of seizure in time of war, they show the very contrary. The very fact of entering into Treaties or inserting stipulations on the subject was an admission of the right as a well-known, acknowledged, universal maritime rule. The hon. Gentleman (Mr. Cartwright) said that hon. Members should study History and Treaties more minutely before citing them, and he then referred to two or three in particular, and called special attention to the Treaty with Holland, which was negotiated by Sir William Temple. He could not have cited a more unfortunate instance. What was the history of that Treaty? After it had been in existence some 90 years we went to war with France, and finding that the Dutch were rendering material assistance to the French, especially in their trade with their Colonies, we issued an order to our cruisers to seize all enemy's goods in Neutral vessels. The Dutch remonstrated, but we persisted, and we put a stop to the French Colonial trade. Here was an example of what the necessities of a war entailed upon us as a maritime nation, and of the impossibility of giving up under all circumstances a right, or a usage, which we had always exercised, and which was necessary to our strength in time of war. I repeat, the hon. Gentleman (Mr. Cartwright) could not have cited a more unfortunate instance for his argument, nor

could he have practised himself the precept respecting the study of History and Treaties which he enjoined upon others. But it is said that this practice of seizing enemy's goods in time of war is a barbarous practice, and owes its origin to barbarous times. What are the facts, and what is the Law of Nations on the subject? I will not go so far back as the Roman Empire; I will content myself with the period when the Maritime Code known as the *Consolato del Mare* became the acknowledged Law of Europe. This period has been variously fixed, but general opinion assigns it to the 13th century. What was the condition of Europe then? There was the Greek Emperor on the throne at Constantinople. Syria, Cyprus, and the Balearic Isles were actively engaged in commerce. You had the Republics of Venice and Genoa, and France and Spain alike, engaged in trade. In the West, the German Emperor was on the throne, and his influence extended to the Netherlands, and as far as the Southern shores of the Baltic. All civilized Europe, in fact, from the East to the West, and throughout the Adriatic and the Mediterranean, and up to the North, as far as the Baltic, was engaged in commerce. It was at that time, and under these conditions, and it was by these maritime communities, that this code of laws was accepted as the rules that were to regulate their intercourse, and their relations in time of war. And what was the particular rule of which we are speaking—I mean with reference to the right of seizing enemy's goods in neutral vessels? Why, it was simply this—it may be summed up in a few words—namely, that a neutral should not be allowed to feed the resources of one belligerent as against another, but that in order to prevent this, besides contraband of war, an enemy's goods should be seized whenever found on board a neutral vessel. And how was this done? Not to the injury of the neutral, but of the belligerent only. The goods of the enemy were seized, but not the vessel. The vessel after adjudication in a Court of Maritime Law, was not only released, but the owners were to be paid, and were paid, the freight to which they would have been entitled had they taken the goods to their destination, and in

Mr. Serjeant Simon

some instances demurrage was allowed as well. What was there either unfair or barbarous in such a law? This was the acknowledged public law of Europe down to the Declaration of Paris. Two centuries after the time of which I am speaking, Grotius mentions the provisions of the *Consolato* as containing the constitutions of the Maritime States. Albericus Gentilis, Molloy, Lamprédi, Heineccius, Bynkershœk, our own Zouch and Vattel do the same. In later times Lord Stowell, and Wheaton, Story, and Kent—three great American jurists—repeat and confirm the authority of these writers. These men were all jurists, of the highest order and authority, belonging to different countries—countries, it may be supposed, having in some respects different views and interests upon many questions of national, or public policy; and yet they all agree in asserting and confirming the provisions of the *Consolato* as a code of public law. It was never disputed until the refusal of Frederick the Great to satisfy the English claims after the cession of Silesia, and then, for the first time, the attempt was made to put forward the new principle that “free ships make free goods;” but we resisted it, and the English claims were paid. Afterwards the celebrated Commission, known as the Prussian Commission, was appointed in order to alter the old maritime code, and establish a set of rules more favourable to Prussian interests. The memorials which were issued by this Commission were answered by the able letter of the Duke of Newcastle, and the masterly report which Lord Mansfield, then Solicitor General, assisted in drawing up, and we heard nothing more of the new doctrine until the Armed Neutrality of 1780 when the Empress Catherine determined to give effect to the new principles of maritime law. But what became of the Armed Neutrality we all know. It was levelled directly against us; but 15 years afterwards, every nation that had joined this combination against England, one by one, as soon as it was found that the new rule touched its interests, abandoned it, Russia itself being the chief instigator. It is curious, if the House will allow me, to refer to some of the Treaties made by these nations when repudiating the engagement into which they had entered. France was the first

to throw over the new rule. By a decree of the National Convention of the 9th May, 1793—“enemy’s goods on board neutral vessels” were declared “good prize, the neutral ships being released and freight paid by the captors.” Here is the old rule of the *Consolato* revived. This decree was enforced by a decree of the Executive Directory of the 2nd March, 1797. On the 8th February, 1793, Russia renounced her Treaty of 1786 with France, declaring that the principle “free ships free goods” should be “no longer obligatory until the restoration of order in France,” that is, until the French nation should acknowledge the “right divine of kings to govern wrong.” In the same year Russia renewed with England her Treaty of 1766, stipulating that neutral commerce should be carried on “according to the principles and rules of the Law of Nations generally recognized”—that is, according to the old established rule of the sea. On the same day she made another Treaty with us engaging that the contracting powers should unite all their efforts—to do, what does the House think?—

“To prevent neutrals from giving on this occasion of common concern to every civilized State, any protection whatever, directly or indirectly, in consequence of their neutrality, to the commerce or property of the French on the sea, or in the ports of France.”

A similar article was inserted in the Treaty of the same year between Great Britain and Spain, between Great Britain and Prussia, and between Great Britain and the Emperor. Thus, as all these Powers had combined against us to establish a new rule, the moment they found themselves affected by it, they combined again to abandon the principles of the Armed Neutrality and to reaffirm the old rule. The new rules were abandoned by Sweden in the year 1788, and by Russia, France, Spain, Prussia, and by the Emperor. In 1809, Russia herself issued a ukase declaring that—

“Ships laden in part with goods of the manufacture or produce of hostile countries shall be stopped, and such merchandize confiscated and sold by auction for the profit of the Crown; and,” the article continues, “if the merchandize aforesaid compose more than half the cargo, not only the cargo, but also the ship shall be confiscated.”

After these specimens of Treaties, which of these nations has a right to set up as

a claimant for enlarged privileges of neutrality? But the great grievance, or at least the danger arising from the right of seizing enemy's goods, as I have always understood it, was not so much the seizure itself, as the right of search which it involved. This was the chief cause of our differences with the United States of America in 1812. But has the Declaration of Paris removed this grievance, or this danger? It has expressly excepted contraband of war. But how are you to ascertain whether a vessel is carrying contraband of war, unless you go on board and search her? There is no stipulation that the production of the ship's papers shall be sufficient; so that, according to the terms of the "Declaration," if we were at war, we should have still the right to go on board a neutral ship, in order to satisfy ourselves as to whether she was carrying contraband or not. But it has been said the right of seizure is an interference with trade, and that it is demoralizing to allow our maritime population to be rovers on the seas, seizing and carrying away, as spoils of war, the property of innocent people. But I would ask, is it not more demoralizing to feed a war for the sake of gain, to assist an enemy's resources, and enable it to prolong the miseries which war entails? Is it conducive to public morality that one part of a nation shall be at peace while the other is at war? That your merchants and traders shall be carrying on a roaring trade with the enemy, increasing and strengthening its means of aggression or resistance, while we are sending the bravest, the very flower, of our youth to bleed and to die on the battle-field? To my mind, there is a heartless selfishness involved in such a condition of things that is repugnant to every manly sentiment. This is not the way to foster or promote public spirit, or great national virtues in a people—to employ the terse eloquence of the right hon. Gentleman opposite (Mr. Disraeli),—"You might produce rich communities, but you will create weak States." This modern notion of humanizing war, as it is termed, may be well expressed in the phrase, "Slay your enemy, but spare his property"—yes; "Blow him to atoms at the cannon's mouth, but do not touch his goods." How are we, a maritime nation, to defend ourselves against a formidable military power

upon such a principle? If Russia were to cross our Indian frontier, by what military force could we resist her? How could we oppose her, except by crippling her trade and annihilating her commerce? If a war were to arise—God forbid that such a thing should happen—between ourselves and the United States, and an army were marched into Canada, what resistance could England make except upon the ocean? These are contingencies—considerations of a practical character that to my mind outweigh entirely the mistaken, however well-meant, intentions of those who would humanize war, as they think, by giving immunity to the trade of belligerents, and converting war into a sort of duel by proxy between nations. Sir, that is not my notion of humanity, or of a sound national or international policy. Every nation owes a duty to itself. It owes a duty also to the world; for to each one a mission has been given. As Rome taught the art of government and the science of law, so it has been ours to spread the blessings of liberty, to show how freedom can combine with social order, and how a nation that is free will become great. As one of the most civilizing influences of the world,—one, so to speak, of its chief moral agents—let us beware lest we lower our position among the great family of nations, and so weaken our power for good.

SIR H. DRUMMOND WOLFF said, the question appeared to divide itself into two parts; first, whether it would be advantageous to this country to withdraw from the Declaration of Paris; and, secondly, whether they were morally entitled to do so? At present, he could not see what great service their Navy would be to them in case of war if they maintained the stipulations of that Declaration. Were they to confine the operations of their fleet merely to the attack of fortresses which were situated on the sea, or of the vessels of their enemies? They were debarred from doing the former by the new system of torpedoes, while they were prevented from attacking men-of-war by their remaining under the protection of their own fortresses. Therefore, the whole function of their fleet would be to defend the shores of England, or to attack the merchant ships of other countries at sea. He would remind the House of the conduct of Russia, after the Treaty of Paris.

Mr. Serjeant Simon

In the preliminaries of peace, which were put forward by England, it was laid down that all the ports on the Black Sea should be disarmed and their arsenals rendered useless for the purposes of war. After the Congress had met at Paris, Russia maintained that the port of Nicolaieff did not come within the terms of the preliminaries of peace. Our Law Officers of the Crown agreed that such was the case; but in consequence of the neutrality of the Black Sea, Russia undertook not to arm ships at the arsenal at Nicolaieff. The Russian Government, however, subsidized a steam company to build vessels there, and gave it the use of the arsenal on the condition that the ships should be so built that they could be converted into vessels of war. At any moment almost these ships could have waged war. That seemed to him to be an evasion not only of the Treaty, but especially of the stipulation that privateering was abolished. Then, during the war which took place between France and Austria, it was Greece, whose neutrality was guaranteed by other States, and which had, perhaps, the largest carrying trade in the Mediterranean, that profited by the Declaration of Paris. The next point he had to consider was how far would they be justified in withdrawing from the Treaty. Other nations had withdrawn from obligations equally binding. He would not allude to the case of Russia withdrawing from the Treaty with reference to the neutrality of the Black Sea, because the manner in which that withdrawal was made could never be sanctioned by the civilized nations, though he owned there were difficulties connected with the question, and he had not joined in any violent vociferation against the late Government, who had to deal with those difficulties. But it could not be denied that Russia, *propria motu*, withdrew from the solemn stipulation of the Treaty. But there were certain other Declarations from which other nations had withdrawn. In the first place, the Principalities were to be governed by two Princes. The Principalities evaded that by each electing the same man, Prince Couza, and when he was driven away, Prince Charles took his place. And now Austria, Germany, and Russia insisted on making a commercial treaty with the Principalities, which was a third evasion. Then there was another arrangement at

the time of the Congress of Paris, not so solemn as those with regard to privateering, and the immunity from seizure of foreign goods in neutral bottoms, but it came next, as it was solemnly made in the Protocol. At that time Lord Clarendon proposed, and the proposal was agreed to and signed by the Plenipotentiaries, that in case of any difference arising between the Powers they would have recourse to arbitration instead of going to war. Almost every foreign Government gave its adhesion to that Declaration; but how many Governments had stuck to it? England was the only one which had done so in the case of that celebrated episode in our history, the Alabama Claims. Having shown that it would be necessary to resume the rights abandoned in 1856, and that there was full margin for doing so, he would recommend his hon. Friend not to press his Motion to a division. An almost unanimous opinion had been expressed by the House that we were not bound; he hoped his hon. Friend would rest satisfied with that, and allow the Motion of the hon. Member for Oxfordshire (Mr. Cartwright) to be adopted.

MR. EVELYN ASHLEY said, it appeared to him, from the speeches of that evening, that a great misapprehension existed on this question. It seemed to be supposed that the Earl of Clarendon had, at the Congress of Paris, on behalf of the British Government, abandoned rights which had been up to that moment deemed essential for the protection of the rights and the honour of England. But it should be remembered that at the commencement of the Crimean War this concession to neutral nations was deliberately adopted by a Government, of which Lord Palmerston was a Member—a man not likely needlessly to have sacrificed the interests of his country. And it was adopted not only with a view to maintain the peace of the world, and to avoid dragging neutral nations unnecessarily into the war, but above all as a concession to the progress of commerce and civilization which undoubtedly had marked the space which had elapsed from the times of Nelson. No doubt they were very far removed from the times, though not from the spirit of Nelson. But when hon. Members called on them to practise those excessive acts of power and tyranny

which were exercised in Nelson's time, they seemed, as the hon. Member for the Isle of Wight seemed, like another Rip Van Winkle, who, awaking from a 50 years' slumber, rushed into the House and exclaimed, "Good Heavens! what has happened since I was last among you?" It was well known that at the commencement of the Crimean War the Russian Government was going to commission privateers from the United States, and it was only the Declaration in question which saved the world from a horde of pirates issuing from the United States under the Russian flag. When, therefore, hon. Members discussed this question of the Declaration of Paris he must ask them to discuss it as a whole, and not merely as laying down the doctrine of free ships, free goods. Let it be taken in connection with that very important Article of the Declaration—very important for us as a maritime Power—that blockades to be effective must be real; that there must be no such thing as paper blockades. Let it be taken in connection also with the Article which abolished privateering, and he could not believe that any hon. Member could be in earnest when he expressed a desire to see us go back to times gone by, when the practice of piracy and privateering prevailed. With regard to what fell from the hon. and gallant Member for Stamford, he would point out that the abandonment of privateering would not prevent us from fitting out and putting into commission any number of ships taken from our merchant service, placing our own naval officers on board, remembering how far in advance of other countries we were in the resources of our Royal Navy, both as to competent officers and able seamen; he considered that we should, also, under this head, be distinct gainers. In conclusion, he said that, whether this was to be looked upon as a Treaty or not, the House must not forget that we had invited many nations to accede to its provisions, and that, except Spain and the United States, almost every civilized State had now joined in the Declaration.

Mr. BOURKE said, the House would agree with him that the subject which had been so ably brought before it by his hon. Friend the Member for the Isle of Wight (Mr. Baillie Cochrane) was one well deserving of consideration. Her

Majesty's Government were well aware that the question was interesting, not only to many hon. Members, but also to many of the people of this country, who took an interest in it from purely patriotic motives. The form of the Motion before the House was one of considerable ambiguity; but after the speech of his hon. Friend, it might be clearly divided into two different propositions—the first, that Her Majesty's Government ought to have taken advantage of the Conference of Brussels to bring the subject of the Declaration before it; and the second, that Her Majesty's Government was not bound by the Declaration. As to the first proposition, if Her Majesty's Government had been ever so willing to bring the subject before the Conference, it would have been impossible to do so for this reason—that the Powers who were signatories to the Declaration of Paris were not the same as those which met at Brussels. Because, although the Declaration of Paris was signed only by Turkey, Russia, Austria, Prussia, Italy, and England, yet upon the invitation of those Powers, various other Powers of the world subsequently sent in their adhesion to that arrangement. That might be looked upon by many as a technical reason for not going into the subject at the Conference of Brussels. But there was a stronger reason which must suggest itself to every man's mind, and that was, that the object of the Conference at Brussels was entirely foreign to the subject of the Declaration of Paris. The subject to be brought before the Congress of Brussels was an inquiry into the rules of military warfare, for the purpose of mitigating the horrors and calamities of war. And it seemed to be clear to Her Majesty's Government that their object ought to be to limit, rather than extend, that inquiry as much as possible. If the course suggested by his hon. Friend behind him (Mr. Baillie Cochrane) had been adopted by the Government, the various theories of maritime warfare would have been discussed; the immunity of all private property at sea, and the most delicate questions of International Law would have been debated in the Congress, and our declared intention to depart from the Declaration of Paris would, no doubt, have been made the pretext by others for getting rid of engagements which

Mr. Evelyn Ashley

for some reason they thought themselves entitled to abandon. Therefore, he said the course taken by the Government was to limit as much as possible the subjects to be considered by the Congress at Brussels. That course was clear and decided. It was laid down in the Papers before the House. They were perfectly determined not to enter into any discussion of the rules of International Law by which the relations of belligerents were guided, or undertake any new obligations or engagements of any kind in regard to general principles; and they required, before sending a delegate to the Conference, the most positive and distinct assurances from every power taking part in the Congress that they agreed to the course proposed by the Government, and would not entertain in any shape, directly or indirectly, anything relating to maritime operations or naval warfare. Such were the instructions given to General Horsford, and that officer had carried out his instructions to the entire satisfaction of the Government. Having laid that down as the rule of their conduct, the Government would have been greatly to blame if they had departed from it, and they should have been guilty of the grossest inconsistency if they had brought forward any subjects like that suggested by the hon. Member for the Isle of Wight. He need not advert to the reasons for not going further. It had been asserted that the Government of St. Petersburg had some secret reason for inviting us to join the Conference in that City. He was not aware what that secret reason could be; but if there was a secret reason, it was all the more necessary for the Government to take the course they did on that occasion—not to allow any discussion of questions of International Law, nor to adopt the suggestion of the hon. Member for the Isle of Wight. In the course which they had taken, the Government had received the unanimous support of the Press throughout the country, and they had also received the thanks of the country for having adhered to that course. The Declaration of Paris embraced four points, but after all, there was only one to which very serious objection had been taken, and that was the Article with regard to the neutral ships. Well, in conceding the right of taking enemy's goods out of

principle that "free ships made free goods," there could be no doubt the country gave up a belligerent right she had exercised from very ancient times, and which she considered a powerful arm of maritime warfare. There was no doubt that that right had been incorporated from time immemorial in the code of our maritime laws, and this country on two memorable occasions showed that it was prepared to brave nearly the whole world for the purpose of sustaining those ancient maritime rights. That right had been sanctioned by the highest authorities, ancient and modern—by Grotius, Vattel, Hubner, Chief Justice Marshal, Kent, Story, and Wheaton. Under these circumstances, we could not be surprised that there were living statesmen among us who had the greatest possible doubt as to the wisdom of the course taken in 1856, and that we ought to leave ourselves to act, as in 1854, not binding ourselves by any new Declaration, but acting on the principle of what was most expedient for us to adopt. But that was not the question of the present day. The question now was, having now this Declaration as part and parcel of International agreements—was it our duty to denounce that Declaration because at the time when we entered into it there were some persons in this country who thought we had taken a false step? These persons seemed to forget that by such a course we were met face to face by another Declaration—the Declaration that was made, on the meeting of the Black Sea Conference in London in 1871, which was to this effect—

"That it is an essential principle of the Law of Nations that no Power can liberate itself from the engagements of a Treaty, nor modify the stipulations thereof, unless with the consent of the contracting Powers by means of an amicable arrangement."

Both Houses of Parliament had refused to denounce the Declaration of Paris when the subject had been brought before them. They had refused to alter the terms of the Declaration of Paris, and he was a little surprised to hear some hon. Gentlemen say that because that instrument was not ratified we were not bound by it. All he could say with respect to that was, that he hoped he should never see the day when a Minister of the Crown or one of its Law Officers would repudiate an engagement

because it lacked certain formalities. The Plenipotentiary had full power to sign the Declaration, and that went a great way to show that the Declaration was binding upon us. He must say that he thought his hon. Friends who were in favour of doing away with the Declaration of Paris seemed to have forgotten that in the last century the principle which had been acted upon for nearly 70 or 80 years of peace between France, Portugal, England, and the Netherlands was, that free ships made free goods, although no doubt in time of war every one of those Powers did not act upon that principle. He need not, however, remind the House that we had entered into treaties with various Powers acknowledging the principle, but that other Powers had done so to even a greater extent than ourselves. And when the effect of the rule was taken into consideration we could not be surprised that such was the case, because everybody must admit that if the right of taking enemy's goods out of neutral ships did to a certain extent allow a belligerent to injure his adversary, yet it must be admitted that it had at the same time the result of irritating one's friends. It had a tendency in times of war to involve belligerents with their allies and to excite the most rancorous disputes between neutrals, while it also served to produce litigation between individuals, for it was always most difficult to prove that the goods seized were the property of the belligerents. He could not, therefore, help thinking that circumstances might arise when the advantage we had gained, and which we certainly did sometimes gain, by capturing enemy's goods in neutral vessels would be more than counterbalanced by the very great evils which might be caused by the irritation of our friends. Should we, he would ask, be likely to bear with equanimity to see our vessels, when neutral, stopped on the high seas, brought into port, and detained for any length of time on the ground that there were enemy's goods on board? Yet, if we withdrew from the Declaration of Paris, that was a result which we must expect; because by withdrawing from that Declaration we should be asserting in the strongest terms our refusal to recognize the doctrine that the neutral flag covered an enemy's goods. He had heard it stated in the course of the discussion this evening that neutrals gained

very little by the concession which had been made; but that was, he confessed, to him a somewhat novel statement, for he had always understood that it had been admitted that, whatever effect might have been produced by the Declaration of Paris on belligerents, there had been no doubt whatever entertained of its advantages in the case of neutral Powers. His hon. Friend the Member for the Isle of Wight did not seem to be quite satisfied that this country should be neutral; but he could not quite follow his arguments with respect to the taking of tallow during the Russian War, nor could he concur with what had been said by many hon. Gentlemen with respect to the abolition of privateers. Whenever he had occasion to speak on that subject he had always stated that this part of the Declaration of Paris, at all events, admitted of no doubt. He could not understand how hon. Gentlemen could justify privateering in a point of view which had been called by almost every person the curse of commerce. Even those by whom it had been upheld as the last resource of war had admitted that it was most desirable it should, if possible, be got rid of. This country had gained far more than any other by its abolition so far as we had gone, and if we could only get the rest of the world to agree with us in this matter we should be still further benefited. No nation was more open to privateers in proportion to the strength of our commercial marine compared with a belligerent. Let him suppose that one of the nations, not ourselves, were to be engaged in war with a country at the other end of the world. If either of those countries sent out privateers, there was no doubt our commerce would suffer; because in all probability those privateers would not be very particular as to the ships which they took, and in all likelihood a great many of those ships would have on board English goods. His hon. and gallant Friend (Sir John Hay) had mentioned a species of privateering which he (Mr. Bourke) had never heard of, because he spoke of privateering being carried on by commissioned officers and by officers belonging to Her Majesty's Navy. That was, however, not privateering in the sense in which it was ever carried on, and there was nothing in the Declaration of Paris to

Mr. Bourke

forbid an arrangement which had over and over again been said to be most desirable if the commercial marine of this country would undertake it. The hon. Member for the Isle of Wight had said that privateers were nothing but volunteers of the sea; but there was the greatest possible difference between volunteers and privateers, because the volunteer acted under the command of officers and in a regular manner, while privateers could do whatever they chose without any commander or rule whatever, except rules they made for themselves; and they made war for their own purposes and profit. If, again, we became belligerents there was no doubt we should lose a certain portion of our carrying trade; but we should also recollect that we should be able to carry on our commerce in neutral vessels. He trusted, however, that if unfortunately we should be at war, we should be able to protect our commerce with our own Navy, so that as long as we continued to be a powerful maritime nation the fancied evil which would result to our carrying trade seemed to him to be very much exaggerated. For his own part, he did not think anything would be more impolitic than that we should declare beforehand that we were about to sacrifice the Declaration of Paris by stopping the neutral ships of our allies and searching for belligerent goods. Such a course would, in his opinion, be very likely to turn neutrals into enemies. In case of war, we should then be obliged to do one of two things—either to re-abandon the rights of capturing belligerent goods in neutral vessels—not a very dignified course after repudiating the Declaration of Paris—or we must inevitably run the risk of turning neutrals into enemies, as he had just observed. We must also bear in mind that although neutral rights were now more generally recognized than in more remote times, yet the Declaration did not infringe on the right of search, or on the law of contraband; and so long as those two laws remained we need not, in his opinion, apprehend any of those evil results which some hon. Gentlemen seemed to imagine. In consequence of the progress of science in the present day the tendency was to increase the number of articles declared to be contraband of war; and such articles would, of course, be liable to seizure if carried in neutral vessels.

In the few remarks he had made he had endeavoured to look at this question in a candid spirit. He did not think that the Declaration of Paris was open to all the grave objections that had been urged against it. He could not concur with those who wished to go further and to give immunity to all private property at sea, because he believed that by so doing we should be sweeping away the most valuable belligerent rights the great maritime Powers possessed. There was a cardinal difference between such a principle and anything that was contained in the Declaration of Paris, which put forward stipulations that were to be carried out by neutral Powers, whereas the abandonment of the right of capture of all private property at sea would concern those Powers who might be belligerent; and there was, therefore, no use in laying down a principle which would be swept aside the moment the two Powers interested went to war with each other. On the whole, therefore, it would not, in his opinion, be prudent or expedient to get rid of the Declaration of Paris, and Her Majesty's Government could not be blind to the grave results that would arise from disturbing that arrangement. A course of that kind could not be taken without arousing a great difference of opinion not only among the Powers who were the original signatories to the Treaty, but also among the 40 other Powers who had since signed it, and it could not be taken without infringing the great principle of fidelity to international engagements which this country had always endeavoured to uphold. He did not agree, therefore, in the opinion that the Conference at Brussels, or the proposed Conference at St. Petersburg, were occasions favourable for the discussion of this question, and he thought that this would not be a suitable time for discussing it in an European Conference. Entertaining, as he did, the views he had endeavoured to lay before the House, he should, in the event of the House being called upon to divide on the subject, vote with the hon. Member for Oxfordshire in support of the Previous Question.

SIR WILLIAM HARCOURT said, he had heard with satisfaction—and he was certain that the country would hear with satisfaction—the prudent, moderate, and sagacious statement of the Under Secre-

tary of State for Foreign Affairs; it was a statement worthy of himself, and of the high position which he occupied as one of the responsible Ministers of the Crown. He (Sir William Harcourt) could assure the hon. Member for the Isle of Wight (Mr. Baillie Cochrane) that he would not find in him an advocate of selfish isolation, nor had he addicted himself to the new-fangled doctrines of International Maritime Law which had long prevailed on the Continent of Europe, and which had been largely disseminated in this country. The little he had learnt on the subject of maritime law had been acquired as a disciple in the school of those great masters to whom his hon. Friend had alluded—Lord Stowell, Chief Justice Marshal, Kent, and Story—those great publicists who had established upon unshakable foundations the great principles which governed the maritime relations of States. He entirely concurred with the Under Secretary for Foreign Affairs that those principles—some of which were deliberately abandoned at the Conference of Paris—were principles which were well established in the Law of Nations, and that to attempt to dispute that they were maritime rights were attempts which no jurists or publicists could listen to for a moment. He also entirely agreed with the Under Secretary that the proposition made to exempt private property at sea from capture, and the proposal to abolish the right of commercial blockade were untenable in International Law, and if attempted would be injurious to the maritime supremacy of England. To have introduced a discussion of these matters at the Conference at Brussels would have been entirely impertinent to the matters with which that Conference dealt, and would have been extremely imprudent and unwise on the part of Great Britain. When the hon. Member for the Isle of Wight said that by the Declaration of Paris two great blows were struck at the maritime supremacy of England—by the abolition of letters of marque and by the abandonment of the right of search—he confessed that he heard him with some surprise. Everyone knew that letters of marque were the powerful instruments of weak maritime States, and that they were a thorn in the side of States possessing great Navies, and that if any nation was in-

terested in getting rid of privateering it was the one that expended £10,000,000 or £11,000,000 a-year in supporting the greatest and most powerful Navy in the world. The nation that raised the strongest objections to the abolition of privateering was the United States, which possessed no considerable Navy, but which, from the enterprize of its sailors, and the extent of its Mercantile Marine, would, in the event of war, be able to send forth hordes of privateers all over the world. The very fact of the United States objecting to the abolition of privateering, therefore, was the strongest argument to show that privateering was injurious to England. It must have been by inadvertence that the hon. Member had suggested that the right of search had been surrendered by the Declaration of Paris; because the right of search existed at the present time, otherwise the right to seize contraband of war and of blockade could not be enforced. The hon. Gentleman had made another extraordinary statement. He had said that this claim of exempting enemy's goods from capture on board neutral vessels was not advanced till 1751. He alluded to the celebrated case of the capture of Prussian vessels with respect to the Silesian Loan, which all English lawyers admitted with the greatest respect was not altogether creditable to Prussia. He (Sir William Harcourt) had often heard the Prime Minister of England speak of the Administration which was the author of the Treaty of Utrecht as a great Tory Party which laid down the true principles of maritime law. He (Sir William Harcourt) did not admire the Administration of Bolingbroke and Harley; but it had one title to fame in the history of this country—its enlightened commercial policy. The Treaty of Utrecht had always been referred to as one which settled this very question. The Tory Administration of Lord Bolingbroke, which negotiated it, established the principle that free ships made free goods as between the parties to that negotiation; and England, in her Treaty with France and with Spain, made that one of the cardinal features of the Treaty of Utrecht. He therefore rather envied the Tory Party that they were the originators in modern Europe of the establishment of that very principle which was ultimately concentrated in 1856 in

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the Declaration of Paris. There was another thing which he had also heard the Prime Minister claim for the Tory Party, although in this matter he should feel inclined to dispute the title. In the early days of Pitt, when he was a great Parliamentary reformer, he was also a great commercial reformer, and, following the Administration of Bolingbroke, he also advocated the principle of free goods in free ships. If during the whole of the last century this principle was regarded as the cardinal feature of the foreign policy of England, and was ratified in the great settlement of Europe in 1815, and in the great Commercial Treaty of 1786, it was a little extraordinary that the hon. Member for the Isle of Wight had now come forward to say that it was a novel proposition. The hon. Member had referred to the history of the Armed Neutrality; but the declaration of Armed Neutrality was made in 1780, at the period of the great weakness of England, when, owing to the unfortunate policy of the war with America, the greatness which Chatham achieved for her had been almost annulled in Europe. England, it was true, accepted the principles of the Armed Neutrality, but she was not in a situation to resist them, and therefore, in 1780, although she protested against those principles, she was practically compelled to acquiesce in them. It was perfectly true that in the second Armed Neutrality, in 1800, she stood in a different position. She was then, by the genius of Nelson and the valour of her sailors, mistress of the seas, and in a situation to dictate to the world, as she did in the attack on Copenhagen. Then was made a Treaty which conceded not this particular point, but other points, which led to a protest by Lord Grenville. From 1815 this question slept in the policy of Cabinets, but not in the literature of International Law. There were Continental writers who were unanimous upon this subject and unanimous against the claim of capture. It was perfectly true that England had never conceded that right, but she was not bound to concede it. But when, unhappily, as he should always think, the great peace which had lasted 40 years was broken up by the Crimean War, England had to consider what she ought to do upon this matter. She was engaged in a war with Russia, one of

the parties to—indeed, the principal promoter of—the doctrine of the Armed Neutrality. She was looking for allies, and her ally was France, and France was as deeply pledged to this principle as Russia, her opponent, was. She could not have found in Europe or this side of the Atlantic a single maritime ally who would have joined her upon the principles which she herself desired to maintain. She could not have found such an ally on the other side of the Atlantic. If she had gone into that war with Russia maintaining the right of capture of enemy's goods in neutral vessels, she would have found herself not only without any ally, but with every neutral Power in the world her enemy. It was under these circumstances that the Government of England waived—only in the first instance waived—this principle at the outset of the Crimean War. Then came the peace and the Conference of Paris. He had often had the advantage of conversing with Lord Clarendon, and he regretted, from the reverence he bore his name, the manner in which his hon. Friend the Member for the Isle of Wight had spoken of him. But he had heard Lord Clarendon say that this Declaration would have been made in Paris whether England had joined in it or not—that the Declaration of all the Powers of Europe upon the subject was so pronounced and unanimous that in that great Conference, which was in some sense a re-adjustment of Europe, that Declaration would inevitably have been made; and Lord Palmerston had also made that statement. Now, a very strong proof that the concession then made was irresistible was to be found in this—that the American Government declined to be bound, and was not under any obligation to observe it. But what happened? When they went to war with the Southern States in 1861 they were compelled to adopt the principles of the Declaration of Paris, and did adopt them. Both sides in that war, in fact, adhered to the abrogation of privateering—to the principle that the goods of an enemy were not to be taken in a neutral vessel, and acted in every sense as if they were signatories of the Treaty of Paris. That, he thought, was a sufficient proof that the course that was taken was necessary. He had always regarded the Declaration of Paris as a compromise, and not an unfair compro-

mise, between the rival pretensions—on the one hand of the neutral claims of the Armed Neutrality, and on the other hand of the belligerent claims which had been previously claimed by England, and in former days by France and other countries. The document should be looked upon as a whole. While his hon. Friend had only referred to two points of the Declaration, his Resolution would abrogate the whole of it. He would first point out what was gained by the Declaration of Paris, and then allude to what was lost by it. We gained the abolition of privateering, and he agreed with the Under Secretary of State that to a great maritime Power that was an infinite gain. It was more; it was a gain to the civilized world. According to the French name for the word a privateer was a *corsair*, and that thoroughly expressed the meaning. Privateers were not bound by the sentiments which belonged to officers in the naval service or by the discipline which was to be found among regular soldiers. His hon. Friend compared them to volunteers, but they were more like *Franc-tireurs*, and volunteers did not go out for gain as they did. That was not the spirit by which they were actuated. The second gain was a practical regulation of the claim of the second Armed Neutrality on the subject of convoy—a claim set up in the great Swedish case decided by Lord Stowell—namely, that a single armed ship might exempt a fleet of merchantmen from search, although they might be laden with contraband of war. The Declaration practically repudiated that claim. The third thing England gained was a definition of blockade; and since that Declaration the war with the United States had established the doctrine of blockade on a sounder footing, and had guarded it with greater stringency with regard to belligerents than before. Now, that was a most valuable right to a maritime Power. It was shown to be in the war with the South, as it was by the stress of the blockade that the great superiority of the Northern States reduced the South to submission. The Declaration of Paris had strengthened rather than weakened a right which was most valuable to a maritime Power. One other right had practically been confirmed, and that was the right of search. There had been put forward by writers on

behalf of neutrals all sorts of claims to limit the right of search, but these were practically repudiated by the Declaration, and in the war with the United States the right of search was more rigorously exercised than ever before. That was what England had gained. What had she lost? She had conceded the principle—for unquestionably it was a concession—of free ship, free goods. When we were a belligerent we lost the right to seize an enemy's goods on board a neutral vessel. But England had found herself unable to exercise that right, and she could not at present exercise it in Europe or in America unless she was prepared to fight the whole world, and no other statesman in his senses would maintain that the Declaration should be repudiated on such terms. [*A laugh.*] His hon. Friend the Member for the Isle of Wight laughed; but did he expect that we should be at war longer than at peace? Since 1815, happily, we had been very little at war, and he hoped our policy might be long of that character. But what had been the result? Since the Declaration of Paris, Europe had been at war and America had been at war, and England had monopolized the carrying trade of the world. In time of war what would happen? It might be thought that we should carry our own trade in our own vessels. Since the Declaration of Paris, however, there had been war in the United States, and a single *Alabama* drove the whole trade of the States into neutral bottoms. A merchant's goods would always be safer in a neutral bottom, and the mere difference of the insurance would induce the merchants of a belligerent State to ship them in neutral bottoms. What would be the result of a withdrawal on our part from the Declaration of Paris? That our enormous foreign trade, which was 30 times as great as in the days of Nelson, would be at the mercy of every South American Republic. ["Oh!"] Yes, England could not monopolize the principle, and if two American States went to war, they would have a right to search the whole merchant shipping of England in search of contraband of war. Was it for our advantage that hostilities, whether in Spain or elsewhere, should expose us to the exercise of the right of search by other Powers? No doubt the Declaration of Paris operated as a premium in favour

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of neutral Powers, and he was glad of it. It was a reward upon those who remained at peace, and a fine upon those who went to war. The conditions of warfare were very different from what they had been. Railway communication had wrought a great change. In old times many countries could only communicate with each other by sea, but now the trade could be transacted by land. The abrogation of the Navigation Laws had put an end to the coasting and colonial trade and to the rules of 1756. The hon. Member for the Isle of Wight did not deny that the Declaration of Paris was advantageous to England in time of peace. For 20 years we had derived all the profits, and had become the carriers of the world under this principle, and yet we were asked to repent of the obligations under which we had derived such advantages. He did not think that would commend itself to the House of Commons or to the English people. England derived great advantages from her maritime superiority and the courage of her seamen; but she derived still greater advantages from the moral strength belonging to a country that knew how to observe its engagements and maintain the stability of its policy. The hon. Member for Preston (Mr. Hermon) had referred to the late Lord Derby. He would, on the other hand, refer to the present Lord Derby, who now represented the Queen in her relations with foreign States. He occupied the same high position in 1867, when this question was brought before the House by the late Mr. John Stuart Mill. Lord Derby answered Mr. Mill; and what would be the position of the House of Commons and the country if, after declarations such as he was about to quote had been made by Minister after Minister belonging to both parties in the State, the House of Commons should now attempt to evade engagements of this character? The present Lord Derby, in 1867, being then Lord Stanley, said—

“The power to intervene effectually is a temptation to do so; and, if the Declaration of 1856 has prevented us from mixing ourselves up with Continental complications with which we had nothing to do, all I can say is that that is one of the best arguments I have yet heard in its defence. . . . With regard to the subject generally, I entirely agree with the hon. Member in laying down the principle that it will not do to go on with a Declaration of this kind if we do

not mean to act upon it. You are bound either to repudiate it at once, or to act on it when the occasion arises. . . . The trade of the countries going to war, for the time only, but still for the time, passes into neutral hands; in other words, both the combatants suffer heavy loss, both are heavily fined, so to speak, for their breach of the peace, and the fine goes for the benefit of those who have continued to remain on good terms. . . . I think we have to look at the question as a matter of good faith and consistency. We have given a pledge, not merely to the Powers who signed with us, but to the whole civilised world. We have urgently and continuously invited other States to join in that Declaration; we have done so with very considerable success, and it would be hardly intelligible or in accordance with our position to turn suddenly round and change our policy.”—[3 *Hansard*, clxxxix. 886-7-8-9-90.]

Some hon. Members thought that as this Declaration of Paris was not a Treaty we need not be bound by it. Our present Foreign Minister had, however, pointed out that this Declaration was not the act of the Executive alone, but had been repeatedly brought before Parliament, and on every occasion Parliament had refused to interfere and had practically given its adhesion to the Declaration of Paris. He would not think so meanly of one bearing the name of Stanley as to suppose that the Foreign Secretary, after holding that language in the presence of the House of Commons and in the face of Europe, could consent to repudiate that which he had declared England was morally bound to maintain. If the Motion of the hon. Member for the Isle of Wight was carried, Lord Derby, he was sure, would rather resign than give effect to it. He would detain the House no longer. The language he had read was far more deserving of attention than any he could command. It was worthy of the man, worthy of the office he held, and expressed the spirit which he ventured to think would influence the House of Commons in the decision at which they would arrive.

MR. FORSYTH regretted that he could not say, with the hon. and learned Member for Oxford (Sir William Harcourt), that he had listened with satisfaction to the speech of the Under Secretary for Foreign Affairs. It would have been different if the Under Secretary had merely maintained that we had been right in not taking part in the Conference at Brussels, and that the present time was inopportune for a withdrawal of the Declaration of Paris; but he had gone much further than that, for

he had defended categorically every one of the propositions involved in the Declaration. It remained to be seen whether other Members of the Government concurred in that speech; but the present First Lord of the Treasury, in March, 1862, pointed out how seriously the Declaration of Paris affected the maritime strength of England, and suggested that the Ministers of the day ought to consider by what means it might be altered. It was right that the goods of neutrals should be respected wherever found; but in assenting to the proposition that the goods of an enemy ought not to be seized on board neutral ships, they gave up a cardinal principle of England's power and greatness. The principle for which he contended had, except in certain peculiar cases and for exceptional purposes, been steadily adhered to from the earliest times down to 1856. It had been said that we ought not now, owing to the lapse of time, to withdraw from the Declaration. That was a most dangerous argument, for as time went on we should find ourselves more and more bound to abide by it. If we deferred withdrawal till the outbreak of a war it would be natural for foreign nations to say to us—"You have lulled us into a false security, and you have no right to take this step now." Now was the time—a time of profound peace—when we had a right to say to foreign nations—"We made a mistake some years ago; we are not now going to war; but we are determined to assert the old principle which England always maintained—namely, that we have a right to seize the goods of the enemy wherever they are found." He would ask hon. Members who said that enemy's goods should not be seized on board free ships whether they were also prepared to say that the enemy's ships themselves should not be seized? If goods should not be seized, why should merchant ships be taken? And if this were adopted we might as well cease to be a great maritime power. Whatever might be the result of the division, he trusted there would be no misapprehension on the part of other nations as to the fact that the great body of opinion in that House was in favour of the proposition that free ships did not make free goods.

LORD CHARLES BERESFORD supported the Motion. If the Declaration of Paris remained unaltered the effect

Mr. Forsyth

upon our merchant fleet might be very serious. Of course, if we went to war there would be many cruisers of the *Alabama* class belonging to the enemy, and after a few of our vessels had been destroyed by them, merchants would naturally put their goods in the vessels of other nations, and shipowners would have either to lock up their ships in harbours at home or sell them to foreigners, as had been done in America. The result in the case of the United States was that they had now a very small fleet. It might happen, under these circumstances, that the country would be even more affected after the war than during it. There was a consideration also as to prize money. He did not say that naval officers joined the service for the sake of prize money; but probably most Gentlemen would agree with him that a large bag of prize money was not at all to be despised.

MR. BAILLIE COCHRANE, in reply, said, he had not spoken disrespectfully of Lord Clarendon. What he said was that he could not comprehend how Lord Clarendon took the step he did of signing the Declaration of Paris. Under the circumstances, he was unwilling to press his Motion to a division. It was well known that a division did not always represent the opinion of the House.

Previous Question put, "That 'that Question be now put.'"—(*Mr. Cartwright.*)

The House divided:—Ayes 36; Noes 261: Majority 225.

DOVER PIER AND HARBOUR BILL.

NOMINATION OF SELECT COMMITTEE.

SIR CHARLES ADDERLEY nominated the Select Committee as follows:—Sir Massey Lopes, Mr. Shaw Lefevre, Mr. Cavendish Bentinck, Sir George Balfour, Mr. Malcolm, Mr. Reed, Mr. Ritchie, and Four Members to be nominated by the Committee of Selection.

MR. DILLWYN said, he was disappointed at the selection. There should have been a larger number of naval and military men upon it.

GENERAL SIR GEORGE BALFOUR said, there had been as many as about eight previous inquiries into this harbour between 1836 and 1859, including therein the Royal Commissions, Select

Committees, and Departmental Committees, and in none of these inquiries had the Members appointed to make the inquiry been so restricted as the Committee now proposed was about to be formed; and, looking at the large outlay and the important character of the work, he regretted the Committee was to be so limited in number, and the Committee constituted a hybrid one, instead of a public Committee free to act, inquire, and report freely.

MR. BECKETT-DENISON was surprised there was no Member on the Committee practically acquainted with the navigation of the Channel.

SIR CHARLES ADDERLEY said, the Committee was a large one for the consideration of a hybrid Bill, and the Committee of Selection would be able to remedy the other objection made, if necessary.

Motion agreed to.

Select Committee nominated:—Sir MASSEY LOPES, Mr. SHAW LEFEVRE, Mr. CAVENDISH BENTINCK, Sir GEORGE BALFOUR, Mr. MALCOLM, Mr. REED, Mr. RITCHIE, and Four Members to be nominated by the Committee of Selection.—(*Sir Charles Adderley.*)

MR. DILLWYN moved that it be an Instruction to the Select Committee on the Dover Pier and Harbour Bill, to report upon the advantages which the proposed Harbour, if successfully constructed, may afford to the defences of the Country in the case of an European war. He could not see of what benefit it could be to the country, even as a harbour of refuge, for the engineering evidence was strong as to the almost impossibility of preventing the silting up of the harbour. It could not be considered, therefore, that a case had been made out for the utility of the harbour in the Department of the Board of Trade. It was said, however, that it would be advantageous from a military point of view. His own opinion was that it would rather be a source of weakness; but he hoped the subject would be well considered, and that the Instruction he now moved for would be allowed.

GENERAL SIR GEORGE BALFOUR seconded the Motion.

Motion made, and Question proposed,

"That it be an Instruction to the Select Committee, to report upon the advantages which the proposed Harbour, if successfully con-

structed, may afford to the defences of the Country in the case of an European war."—(*Mr. Dillwyn.*)

SIR CHARLES ADDERLEY said, he had no objection to the proposition, except that it seemed to be wholly unnecessary. If, however, any Member desired that this Instruction should be carried he would not oppose it.

SIR EDWARD WATKIN said, he thought that the Committee should also be appointed to inquire into the uses of the harbour for the purposes of refuge and Channel communication, and proposed an Amendment to that effect.

Amendment proposed, to add at the end of the Question, the words "and for purposes of refuge and Channel communication."—(*Sir Edward Watkin.*)

SIR CHARLES ADDERLEY said, these were the very objects of the Bill, and the only danger of adopting the Amendment would be that it might limit the inquiry of the Committee.

Question, "That those words be there added," put, and agreed to.

Main Question, as amended, put, and agreed to.

Ordered, That it be an Instruction to the Select Committee, to report upon the advantages which the proposed Harbour, if successfully constructed, may afford to the defences of the Country in the case of an European war, and for purposes of refuge and Channel communication:—Power to send for persons, papers, and records.

BANKS OF ISSUE.

NOMINATION OF SELECT COMMITTEE.

THE CHANCELLOR OF THE EXCHEQUER moved "That the Select Committee on Banks of Issue do consist of Twenty-one Members."

Motion made, and Question proposed, "That the Select Committee on Banks of Issue do consist of Twenty-one Members."—(*Mr. Chancellor of the Exchequer.*)

MR. W. N. HODGSON said, he could not help saying that the Government had not shown much judgment in the selection they had made. In the county he had the honour to represent (Cumberland) the Scotch banks had established three agencies for carrying on their banking business. It was from the attacks made on the English banks in Cumberland that the opposition to

the Scotch banks establishing agencies in England originated. He had waited on the Chancellor of the Exchequer in company with the manager of one of the chief banks in the North of England to represent to him the difficulties they were labouring under in consequence of the raids made on the English counties by the Scotch banks. But although they were very civilly received, he could not say that they obtained much redress. But he (Mr. Hodgson) believed it was in consequence of the representations made on that occasion that it was now proposed that a Select Committee should sit upon the question. It was rather singular, then, that while this opposition to the operations of the Scotch banks in England originated in Cumberland, a county that sent eight Members to the House of Commons, and while the adjoining county of Westmoreland sent three, making a total of 11, no one Gentleman had been selected from either of those counties to sit on the Committee. Only yesterday he received a communication from one of the managers of the chief bank in the North of England, in Carlisle, asking him several questions about the giving of evidence before the Committee, and the writer expressed himself as greatly astonished that no Gentleman from Cumberland had been nominated on the Committee. He (Mr. Hodgson) hoped that the right hon. Gentleman would consent to the three Northern counties being represented on the Committee. If that was not done, the people in those counties would not have much confidence in the Committee. He therefore moved that one Member from one of the three Northern counties should be added to the Committee.

Amendment proposed, to leave out the words "Twenty-one," in order to insert the words "Twenty-two,"—(Mr. William Hodgson,.)—instead thereof.

MR. SPEAKER said, the House must first decide on the number of the Committee. The Amendment would be to leave out 21 and insert 22.

MR. M'LAREN suggested that two Members representing Scotch constituencies should be added to the Committee. The Committee as nominated included four Members of Scotch constituencies, two of whom were officially connected with banks, and the third had taken a leading part in conducting the

case for the Scotch banks. He did not object to any of those Gentlemen, and should vote for all of them as being well qualified to serve. But it was essential for the interest of the property and trade in Scotland that other names should be added. If the question was simply one of the Scotch banks carrying on business in London, the composition of the Committee would not signify much; but from the observations of the Chancellor of the Exchequer, the right hon. Member for Greenwich (Mr. Gladstone), and other influential Members of the House, it was certain that the carrying on of business by the Scotch banks in London would be the least important of the questions brought before the Committee. The inquiry would open up the whole question of the constitution of the Scotch banks; and if the Committee should think of permitting those banks to extend their business to the metropolis, the people of Scotland would look for the breaking up of the monopoly which those banks now enjoyed. There were only 11 banks in Scotland—five in Edinburgh, three in Glasgow, two in Aberdeen, and one in Inverness. Those 11 banks formed one of the most perfect trades unions that could possibly exist anywhere. They had purchased up all the other banks, about 10 in number; and they acted together in every respect as one institution. The five in Edinburgh could advertize any day that the rate of interest was altered, and every bank was bound to obey that decision. The effect of the Bank Acts of 1844 and 1845 had been that no new bank could profitably be established in Scotland; that the Bank of England could not establish branches in Edinburgh and Glasgow, as he thought they ought to be able to do; and that Bank of England notes were not a legal tender in Scotland. Looking at all the circumstances of the case, it was impossible to allow such a monopoly as now existed to continue. The banks had a nominal capital of £9,500,000; but so successful had they been in their monopoly that the selling price of the shares now represented in the aggregate £26,000,000. The deposits amounted to £77,000,000; and the House was as much bound to look after the interests represented by the £77,000,000 as after the interests of the £9,500,000 of the shareholders. When there was fair competition in banking in

Mr. W. N. Hodgson

Scotland, the rule was, whatever they charged for discounting bills at three months—supposing, for instance, it was 4 per cent—they always allowed 3 per cent for balances in their hands. But, in Edinburgh, for the last year the average rate for discounts was $4\frac{1}{2}$ per cent, whilst the average interest allowed on deposits was only from 1 to $1\frac{1}{2}$ per cent. The banks having such a monopoly, could do whatever they liked. The large traders, it was true, could discount their bills and get accommodation in London, but the smaller traders were entirely at their mercy. There were above 800 branches in Scotland which could be carried on with comparatively no capital, their notes being payable in gold only at the head offices, where the notes were first issued. Under the circumstances, he thought it was a very reasonable request that the Chancellor of the Exchequer should add to the Committee two Members unconnected with any existing bank. He should move that the number of the Committee be 23 instead of 21, and if that were agreed to, he should propose the hon. Member for Forfarshire (Mr. J. W. Barclay) as one of the additional Members, leaving the Chancellor of the Exchequer to nominate the other. The hon. Member for Forfarshire had paid great attention to the question of banking, and was well qualified to serve on the Committee.

MR. SPEAKER pointed out that there was already an Amendment before the House to the effect that the Committee consist of 22 Members, and until that had been disposed of the hon. Member could not move his Amendment.

AN hon. MEMBER on the Liberal Benches agreed with a great deal of what had been said by the hon. Member for Cumberland (Mr. W. N. Hodgson). It was well known that the question was one affecting the Northern counties more than any other part of England, and he considered it very hard that they should have no Representative on the Committee.

MR. ANDERSON said, he had intended to make his strictures on the composition of the Committee at a future stage, but perhaps he might as well say what he had to say on the Amendment now before the House. He agreed to a very great extent with the remarks of the hon. Member for Edinburgh (Mr. McLaren) as to the monopoly of the

Scotch banks. He was no friend of theirs, though on this occasion he appeared so, because the right hon. Gentleman the Member for the City of London (Mr. Goschen) thought proper to bring in a restrictive Bill which he, being averse to all restrictions and all monopolies, had felt bound to oppose. He was for free trade in banking as in other matters. The Scotch bankers were great monopolists, and although they did not look on him in general as their friend, yet he wished to see that House in the question now before it gave them fair play. The proposed constitution of the Committee would not give them that fair play. In objecting to certain names, however, he had not the slightest personal motive, his one simple reason for objecting being that they were practical bankers, engaged in the practice of their profession and taking their daily profits from it. Personally, he had great esteem—and in some cases strong friendship—for the hon. Members whose names he desired to expunge from the Committee. He hoped they would take no offence at the course he was pursuing. It was always an unpleasant and invidious thing to move the rejection of any Member of a Committee, and the House properly looked with jealousy on such a Motion, which certainly ought not to be made except under special circumstances. In this case he should justify the making of such a Motion by showing that a very important principle was involved, and that it was a case in which there were justifiable grounds for making a change. When the Chancellor of the Exchequer first spoke of appointing this Committee, he (Mr. Anderson) warned him that it would be exceedingly difficult to please everybody; and, indeed, that in all probability neither the Committee nor its Report would satisfy anybody, and that therefore it would be better to have a Royal Commission. What did the right hon. Gentleman think of that advice now? He must have already discovered the fact that the proposed Committee satisfied nobody, for his opposition had been by no means the keenest which the right hon. Gentleman had had to contend with. The Scotch bankers had certainly been dissatisfied, but others had been equally so, and hon. Members must have observed that for a week back it was impossible to go about the Lobbies without stum-

bling in every corner on knots of two and three dissatisfied bankers, looking as like conspirators hatching plots as it was possible for respectable elderly Englishmen to do. And they were hatching plots; and the result of their conspiracy had been that the right hon. Gentleman had been obliged to alter his original proposal, and he need hardly inform the right hon. Gentleman that in doing so he had contrived to make his proposal less acceptable to Scotland than ever; for he had added to the list three English Members and one Irish, but no Scotch, and two of the English were practical bankers. He would not have been surprised if the Chancellor of the Exchequer had come down at the eleventh hour in despair to please anybody, and had abandoned the Committee in favour of a Royal Commission. There might be some chance of such a proposal pleasing at least somebody. As to the names which he wished to remove from the Committee, he felt obliged to appeal to the House to do justice, and that was an appeal which he was sure would never be made in vain. The Committee originated in a Bill brought in by the right hon. Gentleman the Member for the City of London, at the instance of the London and English bankers, for the purpose primarily of preventing Scotch bankers coming to London, of depriving them of privileges which they had at present by law, and, further, of driving out of London those banks which had already established themselves there, which had created a business under the sanction and protection of the law, and created a good-will which was entirely their own property and their right. The first question that had to be discussed, and the primary one, was a mere question of privilege between the London banks as against the Scotch and the Irish banks. Under those circumstances, how was the House to decide fairly between the contending parties? It seemed to him there were two ways, and only two ways, of doing it. One was to select a given number of practical bankers from each party, and then to fill up the Committee with men of commercial knowledge and judicial minds; the bankers would then array their evidence, and the Committee would decide. That would be fair to both parties. Another way would be to keep the bankers off the Committee, and to allow no practical

banker to be on it at all, but allow them to give their evidence; to construct the Committee entirely of commercial men and men of judicial mind, and let the bankers array their evidence on which the Committee would decide. Either of those two courses would be perfectly fair, and he would assent to either. But the right hon. Gentleman had selected a third course which was undoubtedly most unfair to one party. He had put English bankers on the Committee, while he had put no Scotch bankers on it to meet them. It might be a remarkable fact that while the Scotch bankers had shown a considerable desire to establish themselves in London, they had not shown a desire to establish themselves in that House. Accordingly, they had not in the House one single practical Scotch banker to represent their interest. Under those circumstances, he thought there ought to be no English bankers to oppose them. The English bankers had insisted upon their being on the Committee. They said they must be on, and if the Scotch bankers were not on, it was not their fault. The reason they gave for that was that if bankers were not on the Committee, the only men who knew anything of the subject would be left off it. That was, in his opinion, an entirely fallacious reason. It was only part of the mystery with which bankers endeavoured to surround their business. Commercial men and fair business men knew quite enough about banking to be able to take an intelligent place on the Committee. Besides, they did not wish to get the views of the bankers on the Committee, but the opinions of bankers as witnesses, in order to get information on both sides. The Committee originally consisted of 17 Members, four of whom were Scotch, but there was not one Scotch banker. However, the Committee was now proposed to be 21, and still to include only four Scotch Members. In the form now proposed there would be on the one side the right hon. Gentleman the Member for the City of London, assisted by no fewer than six practical English bankers, while to meet them there was not one single Scotch banker on the Committee who had any practical knowledge of the question to array the evidence and make the best of the Scotch case. If his (Mr. Anderson's) Amendment were adopted—namely, to strike out the practical

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bankers from the Committee -- there would still be the right hon. Gentleman to array the evidence of the English bankers, and if the right hon. Gentleman was not a banker, he was so nearly the same thing as to have all the necessary practical knowledge. There was one other reason, and he thought it showed still more strongly than the others the unfairness that was done to Scotland, and would cause the interests of Scotland to be altogether crushed in the Committee. The reason was this—that all these practical English bankers had a direct pecuniary interest in the issue to be placed before the Committee. It was a well known Rule of the House that Members should not vote on any question in which they were immediately and personally interested, and he could not imagine any subject with which they could be more immediately and personally connected. It would be only an act of justice to the English bankers themselves to relieve them from the necessity of acting on such a Committee; because one of the principal questions to come before them was whether Scotch bankers should be allowed to come to London and compete with them for the business and profit which they had been in the habit of considering as their own. Under these circumstances, he could understand some hon. Members being so sensitive of their honour, so anxious not to be influenced by their own interests, as actually to vote against themselves, and this he submitted would be unjust. It was unfair to hon. Members to put them in the dilemma of having in the vote to choose between their pocket and their honour. He hoped the Chancellor of the Exchequer would agree to put ordinary business men, who were not connected with banking, on the Committee, and leave the bankers to appear in the character of witnesses.

THE CHANCELLOR OF THE EXCHEQUER, referring first to the proposal that the number of the Committee should be increased, said, it was found that 15 was as large a number as was usually found workable, and he thought he had gone far enough in proposing that this Committee should consist of 21 Members. A larger number would lead to a great waste of time, for the Members were likely to be irregular in their attendance, and a considerable repetition of evidence would be rendered

necessary. Besides, he would remind the House that a Committee—and especially one like that which they were discussing—was not appointed to take upon itself the function of deciding finally upon the question which had been submitted to it. The House did not part with its own prerogative in these matters. What they had looked to in the appointment of the Committee was that the Gentlemen appointed to examine the subjects which were referred to them should draw out in an intelligent form all the views that ought to be brought before the House, and placing them then in juxtaposition, lay them before the House. It then fell to the House to decide upon the questions at issue. It was really, therefore, not a question whether there happened to be a majority on the one side or the other. It was only important that the Gentlemen who were appointed should be capable of going into the questions at issue, drawing up the necessary information, and placing it before the House in such a way as to enable the House to form an opinion upon it. He looked upon this Committee as one that was calculated to be of great use with reference to future legislation. He did not think that the question was one on which they should count heads, and say the constitution of the Committee was not a fair one, because there happened to be more Scotchmen than Irishmen, or a larger proportion of hon. Members from one district than another, and infer that this fact would give a certain turn to the decisions of the Committee. What was desired by those who had nominated the Committee, was to have a fair representation of the different interests and persons acquainted with the questions to be considered. With reference to the number of bankers on the Committee, there would be representatives of the Scotch banks, of the Irish banks, the London banks, the provincial banks of issue, the provincial non-issuing banks, the joint-stock banks, and representatives of persons engaged in commercial pursuits. Great pains had been taken to form a Committee which would be qualified for the work, and he was very sorry to find that it had not been possible to satisfy everybody—he hardly expected it would. He knew a great number of Members were anxious to serve on so interesting a Committee. The

number he proposed was 21, but it was proposed by an hon. Member to add 10 names more. It was necessary, however, to draw the line somewhere, and he submitted that this was really a very fair proposal. He hoped the House would adhere to the number of 21, and there would then be a prospect of getting through the work in reasonable time, which was the more requisite as the Scotch banks had entered into an engagement to suspend any extension of their proceedings for another year with a view to the operations of this Committee.

Question, "That the words 'Twenty-one' stand part of the Question," put, and *agreed to*.

Ordered, That the Committee on Banks of Issue do consist of Twenty-one Members:—Mr. CHANCELLOR of the EXCHEQUER, Mr. GOSCHEN, Mr. STEPHEN CAVE, Mr. CAMPBELL-BANNERMAN, Sir GRAHAM MONTGOMERY, nominated Members of the said Committee.

Motion made, and Question put, "That Sir John Lubbock be one other Member of the said Committee."

The House *divided*:—Ayes 184; Noes 58: Majority 126.

Motion made, and Question proposed, "That Mr. Hubbard be one other Member of the said Committee."

MR. LYON PLAYFAIR pointed out that not a single person who had voted in the minority had done so from any personal objection to the hon. Member for Maidstone (Sir John Lubbock), but solely on the principle that no banker ought to be a Member of the Committee. He hoped, therefore, his hon. Friend the Member for Glasgow would not ask the House to divide again.

MR. ANDERSON said, he had expressly disclaimed any personal feeling against the hon. Baronet the Member for Maidstone, who was one of the most popular Members of the House; but so many hon. Members had entered the House when the Question was put who did not hear his reasons for objecting to the nomination, and he had been so strongly urged by many of his hon. Friends to test the opinion of the House upon the subject that he would take another division on the Question that Mr. Hubbard be not a Member of the Committee.

Question put.

The House *divided*:—Ayes 160; Noes 66: Majority 94.

The Chancellor of the Exchequer

Motion made, and Question proposed, "That Mr. Anderson be one other Member of the said Committee."

MR. DENISON moved the omission of the hon. Member's name from the Committee. He considered that the hon. Member had made himself such a partizan that there would be no chance of the Committee reporting at all this Session if he was on it. He was like 20 Scotch bankers rolled into one. Of course, he disclaimed all personal feeling in the matter.

Question put, and *agreed to*.

MR. McLAREN gave Notice that he should take an early opportunity of moving that the Committee be increased to 23 Members, for the purpose of placing two Scotch bankers upon it.

MR. ANDERSON said, he had now entered sufficient protests against the composition of the Committee and he should not contest any further names.

Then MR. ANDERSON, MR. MULHOLLAND, MR. LEVESON GOWER, MR. BALFOUR, MR. NORWOOD, MR. ORR EWING, MR. MUNDELLA, MR. TORR, MR. WILLIAM SHAW, MR. BECKETT DENISON, MR. BACKHOUSE, MR. KAVANAGH, MR. SAMPSON LLOYD, and MR. HUSSEY VIVIAN were nominated other Members of the Committee.

Power to send for persons, papers, and records; Five to be the quorum.

BANK HOLIDAYS ACT (1871) EXTENSION AND AMENDMENT BILL.—[BILL 30.]
(*Mr. Ritchie, Mr. Wheelhouse, Mr. Kay-Shuttleworth, Sir Colman O'Loughlin.*)

Order read, for resuming Adjourned Debate on Question [9th April], "That the Bill be now taken into Consideration."

Question again proposed.

Debate *resumed*.

MR. WHALLEY opposed the Motion, and moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(*Mr. Whalley.*)

MR. BOORD said, there had been a very full discussion on the Bill, which had received the sanction of the House as to its principle, and he hoped his hon. Friend would allow the debate to proceed.

MR. ASSHETON CROSS said, he hoped the debate would be allowed to continue.

Question put, and *negatived*.

Main Question put, and *agreed to*.

Bill *considered*.

MR. RITCHIE moved, in Preamble, line 1, to leave out from "expedient" to "same," and insert—

"To amend 'The Bank Holidays Act, 1871,' and to extend certain of the holidays named therein to the Customs, bonding warehouses, and docks, and to amend the Acts relating to holidays in the Inland Revenue offices in England and Ireland."

Amendment *agreed to*.

MR. RITCHIE then moved in Clause 1, after "notwithstanding," to insert—

"Provided that such directors or governing body shall give notice thereof by inserting an advertisement to that effect in some newspaper circulating in the locality of such dock or docks."

Amendment *agreed to*.

Bill to be read the third time upon *Thursday*.

House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Wednesday, 14th April, 1875.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Free Libraries and Museums Act Amendment* [119].

Second Reading—Ancient Monuments! [9]; Offences against the Person [45]; Medical Acts Amendment (College of Surgeons)* [100].

Select Committee—Metropolis Local Management Acts Amendment* [38], *nominated*.

Committee—Report—Municipal Elections* [63-118].

THE TICHBORNE TRIAL—CONTEMPT OF COURT—MR. SKIPWORTH.

IRREGULAR PETITION.

MR. WHALLEY said, he had to present a Petition from George Brown Skipworth, Esquire, and justice of the peace, of Morton House, Lincolnshire, praying that the fine of £500 which he paid, or rather which was paid for him, in consequence of a sentence for contempt of Court might be refunded. The Petition came from a gentleman of high respectability, and being very short, he would take leave to state its substance. It stated that the Petitioner on the 25th of January 1873 was summoned to Her Majesty's Court of Queen's Bench on a charge of contempt of Court for speaking

at a public meeting at Brighton on behalf of the then Claimant to the Tichborne estates, who was about to take his trial in that Court for perjury. With regard to the charge the petitioner asserted that at such meeting he was influenced solely by a love of fair play and a desire to see justice administered according to the laws of the land. That he could be acting with no disrespect to the Court in simply speaking his honest thoughts and exercising a strictly conscientious duty. That to shut a man's mouth when in defence of right, and preventing expression of public opinion in a defendant's favour would, in the Petitioner's opinion, be calculated most seriously to damage and prejudice his case, and militate seriously against a well-known rule of law—that a man was always presumed to be innocent before he was proved to be guilty; but that if, on the contrary, the Petitioner had declaimed the Claimant as guilty before trial, he might have laid himself open from a properly constituted Court to a charge of that nature by prejudicing his case, and deserved both fine and imprisonment; but in no other way could he conceive such a charge to have been applicable. Nevertheless, the petitioner was on the 29th of January, 1873, sentenced by the Court of Queen's Bench to three months' imprisonment and a fine of £500 for contempt of Court; that he underwent the full term of imprisonment, and declining on conscientious grounds to pay the fine he must have remained still longer a prisoner, but that a friend unasked, and notwithstanding the previously expressed declaration of the petitioner that he would neither pay the fine himself nor allow the country to pay it for him, as was offered to be done by voluntary subscription, paid the amount on the day the three months' imprisonment expired. ["Order, order!"]

MR. SPEAKER: I must remind the hon. Gentleman the Member for Peterborough that he is now going into details. He is at liberty to state generally the substance and the prayer of the Petition, but beyond that he is not entitled to go. If he wishes the Petition read by the Clerk at the Table, he can have it so read.

MR. WHALLEY said, he would of course at once defer to the opinion of the Speaker; but the petitioner wished the House to know that he considered this payment on his account a debt of

honour to be repaid even with interest; but having infringed no law—"Order, order!"—or committed any such offence as was alleged against him, and therefore under no legal or moral obligation to pay the same, he felt it incumbent on him to exhaust every available means of obtaining restoration of the amount from the coffers of Her Majesty's Treasury, which he inferred either held or had control of the same. ["Order, order!"]

MR. SPEAKER: I must draw the attention of the hon. Member to the fact that this Petition is irregular. No Petition can be received for refunding any sum relating to the public service or any debts due to the Crown, or for the remission of duties payable by any person unless it be first recommended by the Crown. This Petition not having been so recommended, cannot be received.

MR. WHALLEY: Perhaps I may be allowed to say that the Petition does not refer to any sum due now to the Petitioner. ["Order!"] But it is to ask the House under the circumstances stated in the Petition to intervene with the Government and to direct the Treasury to repay the sum of money not paid by the petitioner, but by some other person without his consent.

The Petition, being irregular, was not received.

ANCIENT MONUMENTS BILL.—[Bill 9.]

(*Sir John Lubbock, Mr. Russell Gurney, Mr. Beresford Hope, Mr. Osborne Morgan.*)

SECOND READING.

Order for Second Reading read.

SIR JOHN LUBBOCK, in moving that the Bill be now read a second time, said, it had already been twice before the House. Once it was read a second time without objection, but the operation of the Rules of the House prevented it being carried any further that Session. Last year it encountered an opposition of which no Notice had been given, and it was defeated, though not by a very large majority. He did not the least complain of the absence of Notice, but it obviously put a private Member introducing a Bill at some disadvantage, and many hon. Members had told him since that they should have come to vote for the Bill if they had known it was going to be opposed. Under those circumstances, however, the Bill having

Mr. Whalley

already been two years before the House, he should not discuss it at any length, and would consequently confine his observations to the simplest *resumé* of its clauses. The object of the measure was to constitute a Commission whose duty it would be to watch over and preserve the ancient monuments of the country, and who would be termed the Ancient Monuments Commission. He hoped that the constitution of the Commission would be satisfactory to the House, seeing that it was to consist of the Inclosure Commissioners for England and Wales, the Master of the Rolls, the Presidents of the Societies of Antiquaries of London and of Scotland, the President of the Royal Irish Academy, the Keeper of the British Antiquities at the British Museum, and the following seven nominated Commissioners:—The Duke of Devonshire, the Duke of Argyll, Lord Talbot de Malahide, Sir William R. Wilde, Colonel A. L. Fox, Mr. J. Evans, of Nash Mills, Hemel Hempstead, and Mr. J. Stuart, of the General Register House, Edinburgh. A certain number of the most interesting and typical relics were thought worthy to be scheduled in the Bill, those in England being selected by the Society of Antiquaries, those in Scotland by the Society of Antiquaries of Scotland, and those in Ireland by the Royal Irish Academy. Having thus been drawn up by such eminent authorities, he need say nothing in support of the Schedule. It was proposed that the Commissioners should give notice, in a form prescribed in the Bill, to the owners and occupiers of these monuments; and, if they thought fit, to those of any other similar monuments which they might deem of sufficient interest. After such notice, the owner or occupier would be required, before destroying or defacing any such monument, to give notice to the Commissioners, and the Commissioners would then state whether they were prepared to purchase the monument at fair valuation. If so, it would be bought, and thus preserved from destruction; if, on the other hand, the Commissioners were not prepared to buy, the owner would then be at liberty to do as he pleased with it. Thus the main effect of the Bill was really to gain a little time, during which the nation or the locality might, if so disposed, become the purchaser of such monuments. Under existing circumstances it had frequently happened

over and over again that interesting and venerable, and in some cases sacred, monuments were destroyed, generally for very homely and trivial reasons, to be used as manure, to mend the roads, to serve as gateposts, or for other similar purposes, and when the mischief was done, everybody regretted it, and was sorry and surprised. One word about expense. He could not imagine that this House or the country would grudge a moderate sum to preserve our ancient monuments, but he really believed that the expense to the country which this Bill would entail would be infinitesimally small, and the amount would be determined by the Treasury, subject to the approval of Parliament. He, however, trusted that the interest in any particular monument in any neighbourhood would be so great that sufficient funds would be subscribed, which would prevent any appreciable burden being thrown upon the national Exchequer. It was one thing to keep up old houses which required endless repairs, but the monuments dealt with in this Bill only wanted to be left alone. In fact, the money spent under this Act would in the main be an investment, not any expense; it would be laid out in land, which might be let for grazing purposes, and would pay at least 2 per cent on the outlay. He really could not think, therefore, that any serious objection to the Bill could be made on that score. They had endeavoured to meet the objections which were made last year, not so much, indeed, to the Bill itself, as to what the Bill was supposed to be. For instance, they were told that any man's house might be invaded by bands of destructive and enthusiastic antiquaries, that the Englishman's house would cease to be his castle, and so forth; whereas in truth the Bill, as was wittily said last year by the hon. Member for the University of Cambridge (Mr. Beresford Hope), in this respect the Bill could only affect a man whose "lodging was on the cold ground." The Bill was not, and could not be applied to any dwelling-house—nay, so careful were they not to infringe on any person's privacy, that monuments situated in any garden, park, or pleasure ground were also expressly excluded from the operation of the measure. Again, it was said that the Bill would give unlimited rights of trespass; but it must be remembered that the Bill could only be applied to monuments

which, in the opinion of a very well-qualified Commission, and one, from its constitution, most unlikely to interfere lightly with any rights of private property, were thought to be of national interest; and, secondly, even as regarded such monuments, the right of way would only be acquired after the monument had been purchased and paid for. Lastly, it was said that this Bill affected the rights of property; but if these monuments were to be preserved at all, he could imagine no milder method. They were told last year, and should probably be told again, that they were interfering with the rights of property; but they did so less than was the case, for instance, in every railway Bill. They did not call on the owners of those monuments to sell them; they did not in the least interfere with their rights of possession; all they asked was, that before destroying them, the nation should have the option of purchase at a fair price. He denied the measure was an unusual one, any further than the circumstances were unusual; but he had no objection to meet the wishes of those who thought so by agreeing that it should be referred to a Select Committee, provided it was read a second time, as he had now the pleasure of moving.

Motion made, and Question proposed,
 "That the Bill be now read a second time.—(*Sir John Lubbock.*)

SIR CHARLES LEGARD, in moving that the Bill be read a second time upon that day six months, said, that last year, when the subject was discussed at great length, and when the hon. Baronet opposite (*Sir John Lubbock*) introduced a Bill substantially identical with the present measure, it was rejected by a majority of 53 in a House of 241 Members. And now they were asked to read the Bill a second time, although so far as he could see, it had not improved by keeping, neither was he aware that in the interval anything had occurred to alter their views. Indeed, in many respects, it was more objectionable than it was in its original shape. When his hon. Friend the Member for West Norfolk (*Mr. Bentinck*) moved the rejection of the Bill last year, he termed it a "measure of spoliation," and as an Act "which meant legalizing a burglary by daylight," and he might have added to invade the rights of private property; but the hon. Baronet, in his reply, never

gave any answer to those very startling phrases, which he must confess sounded to him (Sir Charles Legard), as a new Member, somewhat alarming. Notwithstanding the well-known ability of the hon. Baronet and the attention which this House was inclined to pay to anything undertaken by him, a Bill comprising such an enormous area and conferring such extraordinary powers, if it was absolutely necessary to interfere with the rights of private property, as he ventured to say this Bill did—such a measure should, he thought, be introduced by the Government, and not by a private Member. He had said that the Bill dealt with the rights of private property, and he thought he was justified in using those words when he turned to the 9th section, which was as followed :—

“When a power of restraint in respect of a monument is vested in the Commissioners by agreement or purchase, or under any conveyance, appointment, settlement, or devise, they or any of them, or any person authorized in writing by any of them, may at any time between sunrise and sunset enter upon and inspect the monument and all parts thereof, and may, in case of necessity, break open any doors or enclosure preventing their or his access thereto without being liable to any action or prosecution for trespass or otherwise.”

Now that clause was a gross violation of the rights of property, and alone ought to justify the House in rejecting the Bill. Further, how was that work to be done, and how were the philanthropic individuals who were to have power vested in them to perform these acts of violence and daring to be adequately rewarded? Why, they were to be remunerated out of the pockets of the people. And that was distinctly laid down by the 12th section—

“All expenses incurred by the Commissioners for the purpose and in pursuance of the provisions of this Act shall be paid by the Treasury out of moneys to be provided by Parliament for the purpose.”

Now, this was a principle against which he must emphatically protest. If these extraordinary demands were to be made on the Chancellor of the Exchequer to meet the “reasonable,” but somewhat philanthropic, views of every hon. Member of the House, his right hon. Friend would have some difficulty in making the interesting statement they were expecting to hear to-morrow. He should now turn for a moment to make the inquiry, What satisfaction could it be to anybody to make a discovery similar to

the one they read of as being made recently in Ancient Etruria? When a tomb was broken into, the first man entering saw a soldier clad in all his armour and lying

“Like a warrior taking his rest

With his martial cloak around him ;”

but owing to that unnecessary and ruthless intrusion that peaceful soldier, who had probably lain for many years in that condition, having, probably, earned a soldier's death, it might be a hero's burial, immediately on being exposed to the outer air crumbled into dust. Although he had no ancient monuments belonging to himself on his property, yet he had a few ancient barrows, amounting in number to 16; but, thanks to the kind exertions of the hon. Baronet the Member for Maidstone and some of his friends to whom he (Sir Charles Legard) gave leave in an unguarded moment to dig up and explore these barrows, and to pic-nic around them, nothing now remained but unsightly mounds, and nothing was discovered but a few slumbering bones, which he should have thought might well have been allowed to rest in peace. If the Bill was allowed to become the law of the land, they could not tell where the ravages of mediæval curiosity-mongers would stop, and unless cremation took the place of burying our dead in churchyards, there was nothing to prevent, but, on the contrary, every reason to fear that the tombs of our forefathers and of ourselves would be neither safe nor sacred. He could not but believe that wherever there was an ancient monument which was worthy of preservation either for its beauty or its antiquity, it would be safely and proudly preserved by those to whom it belonged. He could say, with perfect confidence and knowledge, of three beautiful and ancient abbeys in Yorkshire—Bolton, Fountains, and Rivaux—that they were worthily, anxiously, and proudly preserved by their respective owners; and he felt that such a proposition as was contained in the Bill would be regarded almost as an insult to the spirit and enterprize of private persons who inherited these ancient monuments. It appeared to him that the hon. Members whose names were on the back of this Bill did not consider when they were framing it the feeling of indignation which must be excited in the mind of every person who had an ancient monument in his possession,

Sir Charles Legard

and who had, like his ancestors before him, spared neither care nor cost in its preservation. He begged to call attention to a very remarkable feature in that Bill—the Duchy of Cornwall was exempted from its operation. Why was it exempted? For a very good reason—that leave was refused to include it in this Bill of interference. Surely, if this Bill was not considered desirable for the Duchy of Cornwall, there was nothing to make them believe that it would confer any advantage on the rest of the United Kingdom. It was on these grounds that he moved its rejection, not on the simple ground of its being a Bill to preserve ancient monuments, but because it infringed in no slight degree upon a law which had prevailed through all ages and throughout the length and breadth of Her Majesty's dominions as one of the most valued and important, and that was the law of trespass. He opposed the Bill because he believed it to be unnecessary, an invasion of the rights of private property, and in no way conduced to the interests of an advanced and advancing civilization.

LORD FRANCIS HERVEY, in seconding the Amendment, said, the Bill ought to be rejected at once and decisively. While the Bill recited that it was expedient to make provision for the preservation of certain ancient national monuments, and constituted Commissioners for that purpose, to be called the Ancient National Monuments Commissioners, there was no mention in the 3rd clause of national monuments, but any which the Commissioners thought proper were to come under the provisions of the Bill. The Stones of Shap were to be preserved; but Shap was a very stony place. Then there were certain tombstones with crosses which were also to be preserved, but they scarcely deserved the name of national monuments. In fact, the greater part of what were called national monuments in the Schedule to the Bill were not worthy of the name. The hon. Baronet the Member for Maidstone (Sir John Lubbock) who moved the second reading had said that the Bill, with the exception of one or two words, was the same as the Bill of last year; but in the Bill of last year there was a definition of "monuments;" that definition had disappeared from the present measure,

which was by no means improved by the alteration made in it—on the contrary, it had been made worse. Extraordinary powers were to be conferred upon the Commissioners. They were to be able to apply the Act to whatever they might think constituted an ancient monument and 50 yards of the land on every side of it; and it being well-known that antiquaries were bad men of business, a saving clause was inserted to prevent them suffering the consequence of any informality they might commit. Now, the Devil's Dyke, near Newmarket, stretched for miles and miles across the country, and under this clause the Commissioners would become possessed of a very large estate. The University of Oxford was not allowed to hold lands of greater annual value than £10,000; but the Commissioners under the Bill were to have an unlimited licence to hold land in mortmain. Surely these were very extraordinary powers. What was most astonishing about the Bill was that the hon. Baronet proposed to exclude from its operation such places as Tintern, Fountains, and Furness Abbeys; and why? Because he knew very well that the Bill was not needed for their preservation. But if not needed for those places, for what places was it needed? It was said there were Celtic monuments which ought to be preserved. England was once inhabited by barbarians—he would not call them our ancestors, but our predecessors—who stained themselves blue, ran about naked, and practised absurd, perhaps obscene, rites under the mistletoe. They had no arts, no literature; and when they found time hanging heavily on their hands, they set about piling up great barrows, and rings of stones. Were these the monuments which the hon. Baronet was about to preserve? And, in order to do so, was he going to force the owners of property to defend their rights? There was another point. Penalties were imposed under the Bill, but those penalties were insinuated, not specified, and therefore the persons affected would not know what liabilities they would incur by defending their property. If the measure should get into Committee, he would move an Amendment which would enable people to know what penalties they might be subjected to. The hon. Baronet had also given the Commissioners power to break open doors, to take

gates off hinges, and so on. Surely that was a monstrous proposal. Another point was, that the land taken by the Commissioners was to be exempt from rates. That was a matter upon which the hon. Member for South Leicestershire (Mr. Pell) would probably have a word to say. It was also proposed that when a corporation was intending to conduct, it might be, some sanitary operation for the public benefit, the antiquaries should have three months to make up their minds whether their crotchets were to be preferred to the public utility. He thought he had shown sufficient reasons why this Bill should not pass.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Sir Charles Legard.*)

MR. BERESFORD HOPE begged to assure the hon. Baronet the Member for Scarborough (Sir Charles Legard) that he felt very much concerned for the state of alarm into which he was thrown by the Bill, and under the influence of which he had moved its rejection. What startled the hon. Member most was the invasion of all principles of property, not to say the Communistic doctrine which was established, when a man by agreement or sale allowed another to break in his gate; and the man, who had bought this power, exercised it; to make a grievance out of this, proved how entirely the Bill could be misconceived, for the power was only to be acquired with the express sanction of the owners, and no possible harm could be inflicted on the unwilling. He would tell the hon. Member that he should not prevent any man from breaking in his (Mr. Beresford Hope's) door, if by agreement or sale he had allowed the man to do so. But the hon. Member had also a crow to pluck with his hon. Friend the Member for Maidstone (Sir John Lubbock), because he had permitted him and some other gentlemen to dig into his 16 tumuli; and, after all, found there no British chieftains sleeping in their panoply of gold, but only a few bones, which they did not take away, but left where they found them. He (Mr. Beresford Hope) must express his regret that nothing more interesting was found, for otherwise he was convinced that so enlightened a Gentleman as the hon. Member for Scarborough would have had the antiquities

Lord Francis Hervey

placed in the British Museum. As to the dread of pic-nics to be held by the future Commissioners or antiquaries, he (Mr. Beresford Hope) would undertake to move in Committee that no pic-nic by them should take place within 50 yards of any tumulus. He must now turn to the noble Lord the Member for Bury St. Edmunds (Lord Francis Hervey), the comic muse of the occasion, with regard to whom, should he so desire it, he (Mr. Beresford Hope) would also promise that the word "national," which the noble Lord so much disliked, should be struck out in Committee. The noble Lord had also found materials for some very transcendental merriment in the assumption that because it contained monumental stones, therefore, Shap was a stony place. But he (Mr. Beresford Hope) did not see what there could be in the stones of Shap to stimulate the jocosity of his noble Friend. His noble Friend had asked, why not include mediæval monuments like Tintern, Fountains, and Furness? The answer to this question was twofold. Regarding the matter from the actual standpoint, the immediate object of the Bill was to preserve monuments which possessed great, if not unique, value for the antiquarian and the historian quite incommensurate with their architectural pretensions. There was now-a-days little fear that any existing remains of mediæval art would be ruthlessly tampered with while mounds and unhewn stones of an earlier time invited the destroyer. But there had been a time, not so far back, when such a statute as the present Bill, applicable to those antiquities, might have saved many architectural treasures which had now been irretrievably sacrificed. Under the protection of an Ancient Monuments Act, half Glastonbury Abbey would not have been carted away to mend the roads, nor would the steward have unroofed Bayham Priory Church to repair the farmhouses; nor was it so many years since a noble Friend of his, who, asking an Archæological Congress to examine a neck of ancient dyke in his park, found his bailiff busy levelling it. His noble Friend had ridiculed the ancient inhabitants of this island. Taking the admirable historical details which he had found in Mrs. Trimmer and Mrs. Markham, he had described them as nasty savages painted blue, seated under the

mistletoe, and practising obscene rites—and had asked, what did we want to know about such people? But he would remind his noble Friend that that was not the spirit in which a man, with his antecedents, should deal with the Bill. His noble Friend might play at ignorantism, but everyone knew that he was a man of culture and academical distinction, and such artificial posturing was helpful neither to his own reputation, nor to the success of the cause on behalf of which he was appearing. The word “prehistoric” had become a misnomer. We were going backward and backward in history—not centuries merely, but thousands and thousands of years—and problems of infinite importance to the antiquary, the historian, and the religionist—whatever his religion might be—were being solved by the inductions of an ever increasing array of specimens. We were bound to promote the development of those studies, and the way to do so was not to banter about sitting under the mistletoe, blue paint, or obscene rites. His noble Friend had made his jokes, and the House had laughed with him, and it was now time for him, and for the House, to regard the Bill seriously, and face the ugly fact that if some such measure were not placed upon the Statute Book, our country would lag behind any other civilized nation in its respect for its inheritance of national antiquities. If the House was dissatisfied with any of the details of the Bill, let them give it at least a second reading, and it could then be referred to a Select Committee, who no doubt would amend them.

MR. RAIKES said, he was sorry to have to ask the House to descend from the high ground taken by the hon. Member for Cambridge University (Mr. Beresford Hope), and to invite its attention to a practical view of the Bill. He did not question the propriety of some steps being taken to preserve ancient monuments; but felt it his duty to bring to the notice of the House one or two features in the measure which he feared would place them in considerable difficulty. Being connected with the Private Business of the House, he wished to point out that under Clause 4 it would be possible for the rights of property to pass from the owner without either purchase or agreement. Supposing a gentleman to be possessed of the

site of an extensive Roman camp, he might at present do what he liked with it; he might build upon it, alter its level, or exercise any of the rights of a private owner with regard to it. But after this Bill passed, he would cease to possess those powers, and if, disregarding the prohibitions contained in the measure, he injured, or permitted to be injured, a monument or part of a monument, he would be held to have acted in contravention of this provision. Was not that a very serious interference with proprietary rights? Standing Order No. 13 with respect to Private Bills provided that if it were intended to apply for powers of compulsory purchase of land, the Bill should specify such provision and notice should be served. But what notice was to be served on persons whose property was affected by this Bill? There might be gentlemen in distant parts of the country, say in Scotland or Ireland, who owned such monuments and who never heard of this Bill, and if, after its passing, they did anything which the Commissioners might disapprove, they would act in violation of its provisions and thus bring themselves under the power of restraint which the Commissioners would acquire by the Bill. A person so acting would be subject to the penalties provided by the 8th clause, which would bring him within range of the Act punishing persons for committing malicious injury. And not only did the Bill interfere in a manner never before attempted in this country with private rights, but it made a man a misdemeanant for the exercise of certain rights which attached to possession of property. That was a serious proceeding, which he hoped the House would not for one moment sanction. However desirable the objects of the measure might be, they should be effected in a legitimate manner, and if we were going to interfere with proprietary rights, we must be prepared to pay for them, and not endeavour to come round them in this circuitous manner. There was a curious reflection suggested by one or two of the later provisions of the Bill. It proposed to make use of the provisions of the National Defence Act. But it should be remembered that that Act was passed for the greatest possible occasion, and it gave to the Government of the day certain extreme

powers, the exercise of which they were to accompany in all cases with compensation. But this Bill proposed to put the machinery of that Act in use at the discretion of the Commissioners, who were private persons—the Master of the Rolls, the President of the Society of Antiquaries of Scotland, the Duke of Devonshire, and other persons more or less distinguished. If the principles which had hitherto governed the transaction of business in that House affecting the rights of private individuals were still to prevail, it was impossible that the Bill should pass in its present form; and even supposing it to pass in any shape most distantly approaching its present form, the House would have to seriously re-consider its Standing Orders, for the Bill would cause a revolution in that system of procedure to which the country was thoroughly accustomed. Without wishing for a moment to question the decision of the Speaker that this was a public Bill, he (Mr. Raikes) must point out that it was of the character of a private Bill so far as it touched upon private property; and should it be read a second time, he must move that it be referred to a hybrid Committee, one portion of which would be nominated by the House, and the other by the Committee of Selection, and that power should be given to the persons whose property was scheduled in the Bill to appear by counsel and be heard before the Committee. He, however, would recommend the hon. Baronet the Member for Maidstone (Sir John Lubbock) to take a step which he was sure was more convenient, and which would commend itself to the good feeling of the House, by withdrawing the Bill in its present form, and seeking to legislate in a manner more consistent with the Rules of the House and the rights of Her Majesty's subjects.

Mr. W. E. FORSTER thought the suggestions of the hon. and learned Member for Chester (Mr. Raikes) very valuable to his hon. Friend the Member for Maidstone (Sir John Lubbock) and the House, but he could hardly agree with him in considering this as a purely private Bill. The object of his hon. Friend was a public one, and the Bill might be considered strictly in the light of a public Bill. He sought the aid of Parliament in carrying out a public object. The Bill did not interfere with the

private rights of property any more than the Artizans Dwellings Bill and other Bills of that character. [Mr. RAIKES said, the Bill did not refer to the rights of specified individuals.] No; but it might apply to the whole Kingdom. He thought if the Bill were sent, after the second reading, to a Select Committee, the difficulty pointed out by the hon. and learned Member might be met by alterations in clauses so as to secure the rights of property. At the same time, he must say this was a case in which they might strain the rights of property too much. It was quite fair that the possessor of a monument, if not rich or patriotic enough to set it apart for preservation, should be compensated by the public, but he could not admit his vested right to destroy it. Clause 3 gave power to extend the Bill to monuments similar to those in the Schedule which were of Celtic and Druidical origin, but he wished its scope had been wider; and he might mention a very remarkable case in Cornwall, in which the necessity of some such enactment was painfully manifest. He alluded to a very ancient church supposed to be the first erected after the establishment of Christianity in this country. For hundreds of years it had been buried in the sand, but now that the sand had been blown away, so complete and wanton was the destruction, that almost every vestige of the church had disappeared. There was an old graveyard round it where many of the pilgrims were buried, and as their bones were laid bare people came and took them away. He hoped the House would not ask his hon. Friend to withdraw the Bill; and, on the other hand, he would recommend the hon. Baronet to accept the proposal to treat the Bill as a hybrid Bill, and see whether it could not be so altered as not to interfere with any legitimate rights of private property.

Mr. HENLEY thought it most important to inquire whether any notice had been given to the 70 persons who were interested in the monuments scheduled to the Bill. He was extremely glad that the objection had been taken by the hon. and learned Member for Chester (Mr. Raikes); for he (Mr. Henley) did not recollect having ever seen a Bill drawn—he hardly liked to apply the term which it really deserved—in so delusive a style. It first of all scheduled

a particular number of monuments, as far as he could understand, without any notice or warning being given to the persons interested in the ground on which they stood, and then it was proposed to apply the Bill to any other objects of a similar character they might think fit, and in regard to which it gave an appeal, but there was no power of appeal in the first case. What justice could there be in such a proposal? It seemed to him the Bill ought to be dealt with as a private Bill, with proper notices to those affected by it, so as to enable them to state their objections. He thought such monuments as the Bill referred to should be taken care of and preserved, but for that purpose they ought not to be guilty of injustice to the owners of the property on which those monuments stood, and to avoid that he should be glad to see a measure drawn in a better form substituted for the measure before them.

MR. OSBORNE MORGAN supported the Bill because he believed it sought to attain a great public object at the smallest possible sacrifice of private convenience. He admitted the high authority of the hon. and learned Member for Chester (Mr. Raikes), who had taken the objection that the Bill came within the 13th Standing Order, requiring notice to be served on those whose property was affected by it. But the hon. and learned Gentleman had himself suggested the answer to that objection, and it had been supplemented by the right hon. Member for Bradford (Mr. W. E. Forster), who justly urged that this measure, although unquestionably dealing with private rights, was a measure of public policy, and for that reason ought to be dealt with as a public Bill and not as a private one. With respect to what had been said as to the rights of private property, he (Mr. Osborne Morgan) contended that these monuments were part of our national history, and as such were in a certain sense national property, and ought to be in the care of the nation quite as much as the monuments which were housed in our museums. Experience, however, had shown that when they left these memorials of history to the tender mercies of their owners they fast disappeared. He respected as much as anyone the rights of private property; but the objection to this Bill—that it interfered

with such rights—appeared to him to spring from a respect to the rights of property run mad, for the Bill treated private owners with the greatest tenderness. It was one thing to interfere with an owner's right of enjoyment, which the Bill did not, and another with his right of destruction, which the Bill did, but only to the extent of not allowing him to destroy or deface ancient monuments without serving notice on the Commissioners requiring them either to purchase the whole of the property or the right to sell; and for that he would be amply paid. No doubt, in a certain sense, that involved the right of a man to do what he thought fit with his property; but so did every Railway Bill when a great public object was to be attained, and in such instances they were obliged to sacrifice the convenience or the rights of private individuals. If, however, the House thought the measure might be improved, then let them agree to the second reading, and afterwards refer the Bill to a Select Committee to insert such safeguards as might be deemed necessary. As to the objection that the Bill would saddle the public with some small expenses, the House had freely voted sums of money for observing the Transit of Venus, and for an Expedition to the North Pole; and he would urge that liberality of that kind should like charity begin at home. But if they could not get public money, they were willing to raise private subscriptions in order to carry out the objects of the Bill.

LORD ELCHO said, he should support the second reading of the Bill as an affirmation of the principle that these ancient monuments were valuable records, and that it was the legitimate duty of the House of Commons to endeavour to preserve them for the nation. It might be open to the objections stated by the right hon. Member for Oxfordshire (Mr. Henley), and the hon. and learned Member for Chester (Mr. Raikes), but, speaking for himself, he would say, if he thought it were intended to be an invasion of the rights of private property, no man would resist such an invasion more than he would. He resisted the Irish Land Bill, which he had seen it stated had, according to the late Sir John Gray transferred £80,000,000 of property from the landlord to the tenant; and why did he resist it?

Because for the first time legislation was passed through that House dealing with private property without compensation. He found nothing of the kind, however, in this Bill, neither did he think it was so intended. The Bill might seek to apply compulsion, like the Land Clauses Act in the case of railways, roads, or fortifications; but it had in it the great principle of compensation to private owners, where property was taken possession of for the purposes of the State. It was a Bill not to invade the rights of property, or to revolutionize the way in which the State dealt with it, but simply to preserve ancient monuments. If that was carried out in a way the House did not approve of, they could set matters right in Committee. He was the son of the owner of one of those old Roman camps in the south of Scotland which were regarded with so much interest; but it was with the greatest difficulty that they had prevented it being swept away. The same thing had also occurred in regard to Cæsar's Camp at Wimbledon, part of which had been laid out for building purposes, and it stood a chance of being blotted out of the features of the country. With regard to public monuments, the State had admitted the principle of dealing with them. In his own county, on his (Lord Elcho's) application, the Treasury had sanctioned the expenditure of £400 in the preservation of a fine old abbey church, and £1,000 for a similar expenditure in Montrose, and he was anxious to see some such measure become the law of the land. The noble Lord who had seconded the Amendment had spoken sneeringly regarding what he called ancient stones with crosses, &c., upon them, but possibly some of those very stones might, like the Moabite Stone, be found important links and lights in the history of the world and civilization.

MR. RODWELL must say that, having read the Bill with great care and consideration, he looked upon it as a measure at variance with the Standing Orders of the House, and which proposed to deal with the rights of private property and the rights of individuals in a manner that could not be justified. He did not, however, intend to import his professional opinions into the discussion; but he must say, if ever there was a Bill which came within the cate-

Lord Elcho

gory of Private Bills, it was this Bill, which would compel a man to part with his property against his desire and without his consent in certain alternative cases. He should like to ask the hon. Member who introduced the Bill (Sir John Lubbock), and those hon. Gentlemen who supported it, whether the Bill was not a departure from the principle which required notice to be given to the owners of private property, when it was proposed to give power to obtain possession of it? The hon. Gentleman the Member for the University of Cambridge (Mr. Beresford Hope) admitted that no notice was required to be given. He (Mr. Rodwell) would ask the hon. Member who brought forward the Bill to bear in mind the consequences that would result from such a power. He must say that the grounds put forward for such a Bill had been greatly exaggerated; and he ventured to say that it was a measure which was at variance with the functions of Parliament, and with the principles which governed Parliament in dealing with the rights of property and the rights of individuals. He wished to know why the usual practice, whether in the case of one individual or a thousand, that a private person should have notice of the intention to deal with his property should be departed from in this matter? Some 50 or 60 persons might have their rights infringed without being consulted on the subject at all. For his own part, he believed the hon. Gentleman who brought forward this Bill had overlooked the consequences which would result from its operation, and he was surprised to hear the hon. Gentleman say that, as far as related to the expense involved, it would be a trifling matter altogether, not more than a few hundred pounds. Why, under this Bill as it stood, even the owner of Stonehenge parting with that ancient historical monument and having to be compensated for it, his compensation could not be valued at a few hundred pounds. And further than that, every borough Member might be pressed to bring forward the claims of particular localities, the result of which would be that, if the Bill passed, it would be difficult to estimate the expense that would attend its operation; and, looking at it in a financial point of consideration, it would, in his opinion, prove so costly in reference to the na-

tional funds that his right hon. Friend the Chancellor of the Exchequer might well say, in answer to applications for remission of taxes, that the pressure upon the national resources was so great that he could not afford to comply with these requests. He therefore hoped his hon. Friend the Member for Maidstone would withdraw the Bill, and bring in a large measure to deal not only with those particular monuments, but others equally interesting—namely, the abbeys and ruins generally, which were valued by the country quite as much as these monuments of antiquity. He regarded the preservation of these as a matter of great and serious importance, and he would suggest that a body of Commissioners should be empowered by Parliament to make agreements and arrangements with the owners of property, who might hand it over to them, and thus the objects sought by the Bill might be attained without doing violence to the feelings of individuals or the practice of Parliament. He must again submit that the Bill was a departure from the practice of Parliament in dealing with private property, which was that notice should be given to the owners of such property, and looking at the Bill as a measure which, if passed, would operate injuriously, he hoped the House would not agree to the second reading.

MR. LAW said, there were many ancient monuments in Ireland, and some in the county he represented, which, though not mentioned in the Schedule to the Bill, he hoped might yet be brought under the operation of the 3rd clause. He was of opinion that the measure was not open to any of the objections urged against it. It did not in any substantial degree interfere with the rights of private property. It did not propose to transfer any property from landowners to the Commissioners, but merely to provide that when an owner wished to exercise his right of property in an ancient monument by its destruction, he should not be permitted to do so without first giving the Commissioners an opportunity of buying it from him. The Bill sought to carry out a very desirable object with all possible fairness; and he submitted the proper course would be to read it a second time, and let matters of detail be considered in Committee. It appeared

to him that the opposition to the Bill was somewhat unreasonable; nor did its opponents at all agree amongst themselves as to the grounds of their objections. Some said it went too far; others that it did not go far enough. One hon. Member would let all these ancient monuments be swept away; others desired their preservation, but thought that should be entrusted to the proprietors. Some urged that the measure should have been promoted as a Private Bill, others that it was of such national importance that it should be left to the Government to undertake. Now, probably the real ground of all those various objections was simply the fear of some invasion of the rights of property. Let them, then consider whether the Bill would interfere with the rights of private property. In his opinion, it would not. It was an entire misapprehension to allege, as had been done, that its object was to transfer the property of owners to the Commissioners without the owners' consent; the Bill would do nothing of the kind. As long as the owner forbore to exercise his right of property in a monument by destroying it, he would be wholly untouched by the Bill. So far, indeed, from being a measure of spoliation, its effect would be that an owner who had on his estate an ancient monument might go to the Commissioners armed with a certain amount of power to influence them, by threatening to destroy the monument, unless it should be purchased on his own terms. Well, the Commissioners would be ready to buy it from him, and to pay him a fair price for it. The object of the Bill being to preserve the ancient historical monuments of the country, surely it ought to be sanctioned by Parliament. When it was said that the Bill did not go far enough towards providing sufficient funds to effect its purpose, the answer was that the promoters were ready to accept it as it was, trusting to the bounty of Parliament and of the public outside to supply such means as would be required. If the Bill did not satisfy hon. Members, of course they could introduce clauses to enlarge its scope in Committee. It appeared to him that the technical objections expressed by some opponents of the Bill had been most completely answered by the hon. and learned Member for Denbighshire (Mr. Osborne Morgan). It

had been ruled two years ago that the Bill was a public Bill; and it certainly seemed to him to be quite as much so as the Artizans Dwellings Bill, which authorized the taking of land for its owners, or the Irish Salmon Fisheries Act, which a few years ago confiscated valuable fishery rights of individual owners, some of whom had purchased in the Landed Estates Court. He hoped those hon. Members who objected to the Bill would withdraw their opposition to it, seeing that the objects which it had in view were admitted by almost all to be so desirable.

THE ATTORNEY GENERAL said, that the Bill proposed to deal with three classes of ancient monuments — first, those specified in the 1st Schedule to Bill; secondly, British, Celtic, Roman, or Saxon remains, or any other monuments which, in the opinion of the Commissioners, were of the like kind as those those mentioned in the 1st Schedule; and, thirdly, it was proposed that the Commissioners should be empowered to obtain possession of any monuments which they could procure by the consent of the owners of the property. There could be little difference of opinion as to the desirability of preserving ancient monuments, and, as far as the Preamble went, it had his cordial support; but it appeared to him that every clause of the Bill was either itself an invasion of the rights of property, or depended for its efficacy upon some other clause which would interfere with such rights. However desirable and excellent the object of the Bill might be—and he was ready to add that the object which it sought to accomplish was good—he was unable to assent to the second reading, for, as the Bill was at present framed, all its provisions appeared to him objectionable, and he had not as yet heard any suggestions which led him to suppose that the Bill could be amended so as to satisfactorily carry out that object. It was proposed to interfere with the rights of the owners of the various properties specified in the 1st Schedule; and surely such persons ought to have an opportunity of knowing what the provisions of the Bill were, and of expressing their views on the subject; but they had had no such opportunity, and if this observation applied to the owners of the monuments scheduled to the Bill, how much more did it apply to the

owners of those that were not named? He would admit, however, that the question was one well worthy the attention of the House, if a proper measure were brought forward on the subject. He did not propose to deal with the question of finance; he left that to his right hon. Friend near him; but it appeared to him that they were interfering with the rights of property in a manner which, if once sanctioned, he (the Attorney General) did not know where they were to stop. It might be very desirable that the nation should possess the best pictures and statues, and other works of art, many of which were quite lost to the public from being in private collections, or might be lost to the public from being sold and sent abroad; or coins of great value, as illustrating history; but would they justify the acquisition of them in such a compulsory manner as that now proposed?

SIR WILLIAM HARCOURT said, the Bill appeared to be one for the preservation of ancient national monuments. It was wonderful to see how some hon. Members sank all their ordinary principles whenever one of their peculiar hobbies was affected. Even the hon. Member for Cambridge University (Mr. Beresford Hope), for an object connected with art and learning, became a Communist, put on the red cap, and said that private property was nothing to him; and the noble Lord the Member for Haddingtonshire (Lord Elcho) had said things which would astonished Mr. Arch or anyone else at a farmers' Club. Suppose, however, the proposition had been one to make agricultural improvements with the view of providing more food for the people, and it became necessary to interfere with the right of entail, and become a disentailing Bill, would the hon. Member and the noble Lord have been so ready to interfere with the rights of landowners? They should recollect that the Bill gave power to the tenant-for-life to cut off the entail, and it was, therefore, a disentailing Bill. The great temptation, however, to vote for the Bill was the precedent it would afford for proposing an Amendment in an interesting Bill which was passing through the House of Lords; and, at all events, when this House came to discuss the tenure of land, he should be glad of assistance in imposing restraints on landowners who

Mr. Law

held land in such a way as to be injurious to the public interests. His noble Friend was fond of æsthetics, and ought to have been ready to forego the sacredness of contracts, if the object in view were to preserve Cæsar's Camp at Wimbledon. He (Sir William Harcourt) rather rejoiced over the conversion of the hon. Member and the noble Lord to the principle, that when it was desirable for the interests of the public, the rights of private property should be interfered with. He himself thought it justifiable for objects which affected the whole interests of the nation; and he did not agree with hon. Gentlemen who said they had no right to interfere with the rights of property, or what was called the freedom of contract, which very often meant a very different thing altogether—namely, contracted freedom. He was in favour of interference for justifiable objects and on great occasions; but, even if it were said it was a lawyer's prejudice, he was not in favour of such interference for fanciful reasons, although he might sympathize with the objects sought to be attained. In this case, he was not willing for mere æsthetic reasons to give such dangerous powers as were embodied in the Bill; for he had never seen any proposal which went half so far in the way of interfering with property as the present Bill did. Practically, it gave unlimited powers of restraining persons from doing what they liked with their property from considerations of an æsthetic character. The House of Commons undoubtedly had large powers; but he thought it never appeared to less advantage, and there was nothing more to be deprecated than that the House should resolve itself into a Committee of Taste. However, he did not rise so much to discuss the Bill as to express the pleasure he felt at the views on property laid down by the hon. Gentleman and the noble Lord to whom he had referred.

MR. E. STANHOPE said, that as the son of a Commissioner named in the Bill, he desired to say that the objections to the Bill were based upon complete exaggeration. If an owner of an ancient monument was not going to injure it, but, on the contrary, would take every care of it, the Bill did not apply. All that the Bill called upon the Commissioners to do was to watch the monuments named in it, and only to act when the owners proposed to injure any

of them. Would any hon. Gentleman say it was not within the province of Parliament to interfere with the proprietor of a monument like Stonehenge, if he tried to pull it down? Again, it had been said that such a Bill as this ought to have been brought in by the Government. Surely the country would not grudge a few hundreds of pounds to be spent for the purposes of the Bill, although he did not think that they would have to spend one shilling, because sufficient money would be found by private persons. Why, the people of the United States of America would be glad to buy the monuments which the people of England, it was suggested, would grudge the money to purchase. Some persons held that they might wait; but the Society of Antiquaries had stated authoritatively that those monuments were disappearing every day. That observation, however, did not apply to monuments of which the proprietors might be supposed to take care; but some of the monuments—many of which were at the roadside—were suffered to be injured by tourists. The hon. and learned Gentleman the Attorney General had referred to the question of pictures as being analogous; but was there any owner of a valuable picture who would not take care that it should be carefully preserved? The House had already once assented to its principle without a division, and he hoped it would now do so again, and then send it before a Select Committee.

LORD ELCHO wished to make one word of explanation. His hon. and learned Friend the Member for the City of Oxford (Sir William Harcourt) had misunderstood his argument. He had expressly guarded himself against approving of the mode in which the objects of the Bill were proposed to be carried out, and confined himself to supporting an affirmation of the principle that ancient monuments were worthy of preservation. He found in the present Bill one principle that was not found in measures like the Irish Land Bill, the principle—namely, of giving compensation for land taken.

MR. WHALLEY said, the objections urged against the Bill by the hon. Mover and Seconder of the Amendment must have appeared to anyone who heard them inadequate and invalid. He believed it had been said that the object

of the Bill might be effected by Provisional Orders to be made in necessary cases, but he feared that mode of proceeding would be most futile, if not discreditable. The question was, whether they should preserve those ancient monuments of history which were becoming increasingly precious; and what he would venture to point out was, that the question here involved was whether or not the nation should preserve those memorials of the early history of Britain on behalf of that portion of the community who believed that for centuries past those monuments had been subjected to intentional destruction. There was a large portion of the public who thought it was of the utmost importance to see preserved those monuments which were calculated to dispel such absurd, such wilful, and such deliberate ignorance of the early history of this country as that displayed by the noble Lord the Member for Bury St. Edmunds (Lord Francis Hervey) who seconded the Amendment. The noble Lord spoke of the ancient inhabitants of the country as little removed from a race of cannibals; but he had suppressed the fact that it had been at all times considered of the utmost importance that we should endeavour to excavate the monuments of their heroism from those cumuli which had in the course of time become heaped upon them. These monuments were like milestones—they marked the progress of our national history. Why should the noble Lord have presumed to speak as he had that day spoken of the early inhabitants of England? Did he not know that Shakespeare had devoted the best efforts of his genius to illustrate what occurred in our history five centuries at least before the Christian era? Did he not know that Bacon, speaking of the secular history of the country—that Fortescue and others, speaking of our legal history, attributed our claims to be considered the mother of nations not to our wealth, not to our trade, not to our commerce, or to any adventitious circumstances of the kind, but to the indigenous character of the British people? He (Mr. Whalley) wished to repel all such attacks upon our national history; but he regretted to say that there was an influential literary party connected with the Universities of Oxford and Cambridge, gentlemen who were the natural successors of the monks, who

Mr. Whalley

thought it necessary, in order to sustain the superstructure which they themselves had raised, that the memorials of our early history should be put out of sight and destroyed. Their motto was *Delenda est Carthago*. That strong and influential party deemed it necessary to destroy, leaving to the plough and to the course of time to complete the destruction of those physical monuments which founded their own theories of ecclesiastical history. Some years ago a Bill was before the House for the destruction of some of the London churches, and among those scheduled in that Bill was the Church of St. Swithin, a church within which was placed a most valuable monument of our early history, and which was called "London Stone," about which centred the memories of our history for ages past. He, however, interfered, and the result of his interference was the preservation of that church and that monument, about which the old feeling of the country was, that if it were once removed the greatness and power of England would for ever disappear. Why, the greatest claim which Her Majesty had to the reverence of her subjects was that she was the lineal representative of the oldest dynasty in the world, a dynasty which had been in existence for more than 1,500 years before the Christian era. What he had now stated might 'be new and surprising to hon. Members; but those monuments afforded them the means of investigating those claims, and all that was interesting in the history of our nation, and for that reason he did hope the House would agree to give this Bill a second reading. The objection that it interfered with the rights of private property might be dealt with in the Provisional Orders, so that the Commissioners could not take into their hands any property without the direct sanction of Parliament.

Mr. BENTINCK said, that the statement of the noble Lord the Member for Haddingtonshire (Lord Elcho) showed how, in their anxiety to carry this Bill, its supporters lost sight of both its vexatious character and of its injustice. He (Mr. Bentinck) thought that while all would agree with the Preamble of the Bill as to the desirability of taking steps to preserve our national monuments, the mode in which the Bill itself proposed to attain that object was open

to question. Indeed, it might be said of it, that old proverb—"You should not do wrong that right may come." The proposal of the Bill involved the heavy charge against the owners of land on which ancient remains stood of a desire to destroy them; but he concurred with the hon. Baronet the Member for Scarborough (Sir Charles Legard), that the majority of the owners of such ruins were quite as anxious to preserve them as though they were compelled to prevent their destruction by Act of Parliament. He trusted that the House would look at the subject from a business, and not from a sentimental point of view. The provisions of the measure, as involving both an irritating visitation and an indefinite expense, were most objectionable, and in his opinion would be likely to lead to great litigation and endless expense, for if the details of the measure were carefully scanned, it would be found that lengthened disputes would probably arise between the owners of property and the Commissioners. It was also most unfair that the Commissioners should have an uncontrolled power to commit what had been described as burglary by daylight without the owner of the property having any power of appeal, and that the whole of the costs of this vexatious litigation should be saddled upon the latter. He also protested against the clause in the Bill that authorized the Commissioners to delegate their authority to unknown persons, on the ground that it would create doubt; and the owners of these monuments ought at least to be enabled to know who were the persons with whom they were dealing. His great objection, however, was that there was nowhere in the Bill any definition of the nature of the property to be dealt with by the Commissioners as an ancient monument. In consequence, if the Bill were passed into law extraordinary and unheard-of powers would be placed in the hands of the Commissioners. In his own neighbourhood, for instance, there was a bank, extending many miles, which was no doubt erected by the Romans to keep out the sea, and in which Roman coins might be found. In parts the bank was as perfect as when it was made, in other parts it had given way, and labourers' cottages had been erected. Under the operation of the Bill the control of the whole extent of that bank

and the adjoining land, amounting to several thousand acres, would be handed over to the Commissioners. He did not believe the House of Commons would sanction the placing of any such powers in the hands of the Commissioners, and he trusted that, under these circumstances, no arguments, however specious, would induce the House to pass the Bill.

Mr. FERGUSON said, that coming as he did from a district where the farm-houses, the churches, and the garden walls were built of the spoils of ancient monuments, he should support the Bill. He looked upon the measure as providing a necessary protection against the indifference, caprice, carelessness, or it might be imbecility, of the proprietors of ancient monuments. As to the question of expense, speaking from the lowest point of view, he undertook to say he did not know anything which would pay so well as the preservation of our ancient monuments, and he was satisfied that the taxpayers of this country would never object to pay a small sum annually for the preservation of these monuments of our history. There was an ever-increasing stream of visitors to this country from across the Atlantic, who came here, not to inspect our railways, our warehouses, or our docks, but to seek out in quiet nooks our ancient monuments, which were the landmarks of our common history. In times to come, when the English-speaking race should have spread itself over the greater part of the globe, and should have acquired wealth and power, the culture that wealth and civilization gave would lead it to seek for that which wealth could not purchase nor civilization create—namely, the monuments over which it could affectionately linger as the existing records of its old home in England. He thought that such a feeling was likely to conduce to the peace, security, and happiness of the world, and he was certain, as he had before observed, that such was the honourable feeling of reverence held by the working men of this country for such monuments that they would not object to the necessary expense being incurred for their preservation.

SIR HENRY PEEK said, that as one of the Conservators of Wimbledon Common he should give his hearty support to the Bill. In doing so he had to

express his great gratification that so much had recently been effected in the way of securing open spaces for the recreation and enjoyment of the metropolitan public. As stated by the noble Lord the Member for Haddingtonshire (Lord Elcho), he could confirm the statement that Cæsar's Camp, in the neighbourhood of Wimbledon Common was being levelled to the ground. It comprised some eight acres of land, the works on which were by antiquaries variously estimated at from 1,500 to 2,200 years old, and which he, in conjunction with some of his friends, had done their best to preserve. So anxious were they that they had offered the owner as much land on the common as an equivalent; they had offered privately to buy the property of him; they had done everything they could; but at this very time people were cutting down trees and preparing to build. It was said that the property had been let on a building lease for 90 years, at £10 an acre. He believed this to be one of the most interesting relics of which the nation was possessed, and situated, too, within eight miles of that House. A Bill like that before the House would enable them to deal with such a case; and if already law, the neighbouring gentry would have bought the property and presented it to the public, while now the monument was being destroyed before their eyes. The other day he saw a gentleman with a vase from Cyprus in his hand, which had been sold to the British Museum for £50. The acquisition of such curiosities was very desirable; but that a country like this, which spent its money by hundreds and thousands in increasing the treasures of the British Museum, should allow such interesting national monuments as Cæsar's Camp to be destroyed, he considered a great shame. For such reasons, and as a means of protecting what in a few years would have passed out of existence, he gave the Bill his cordial support.

MR. PEASE likewise supported the Bill, and in doing so remarked that while each of those who had spoken in opposition to it stated that they agreed to the Preamble, nevertheless attempted to defeat the measure. If, then, they approved of the principle of the Bill, why should not they agree to the second reading, and seek to have those matters of detail to which they were opposed

rectified in Committee? Some of the most important buildings which they sought to protect stood in no man's ground, and therefore, so far as they were concerned, there could not be any invasion of the rights of property. Further, private property would under the Bill be preserved, unless the monuments were likely to be injured when, and when alone, it would come into operation. Still, he admitted that it was impossible to deal with the question without, in some degree, trenching upon those rights; but he entreated the House not to be frightened by the legal difficulties thrown in the way by the hon. and learned Gentleman the Member for the City of Oxford (Sir William Harcourt). Not a day ought to be lost in passing it, for if such a measure as this did not become law, all our ancient monuments would undergo the process of chipping, until at last there would not be a vestige of them left. Most of the property in question, as private property, was almost worthless; whilst, as public monuments, they were things to be preserved—were priceless. He, therefore, called upon the House to preserve them not only for the benefit of the nation, but for the benefit of the whole Anglo-Saxon race in America and in the Southern hemisphere, and as a bond of amity and union between them. With respect to the cost, he would remind the House that the Commissioners could never spend more than Government itself sanctioned.

MR. W. JOHNSTON said, he rose to say a few words in this debate, in order that a voice might be heard from Ireland, on the Conservative side of the House, in favour of the conservation of her ancient monuments. In many places these were fast going to decay. It had been assumed by those who opposed the Bill that all persons who were the proprietors of ancient remains would be found in opposition to it. On his property there was a "rath" or "dun," referred to in *Lewis's Topographical Dictionary*. There was another near Downpatrick, included in the Schedule of the Bill; and there formerly stood, near Downpatrick Cathedral, a round tower, remarkable for the symmetry of its proportions. This tower, he regretted to say, was pulled down in 1790, in order, as was alleged, to make room for rebuilding the cathedral; but really, as he believed, in consequence of a dispute be-

Sir Henry Peel

tween a very reverend Dean and a noble Marquess in reference to election affairs. They had heard to-day what the Government would not do. He hoped they should hear, before the division took place, what the Government would do. He hoped that the Conservative Government would aid in the conservation of the ancient monuments of the country. At any rate, he heartily and cordially gave his vote for the second reading of the Bill.

SIR GEORGE JENKINSON protested against the second reading of the Bill, because it would so largely interfere with the rights of private property. He trusted that no Government, whether Conservative or Liberal, would ever agree to the passing of a measure which sanctioned such interference. He did not think that there were many instances in which ancient monuments had been destroyed, and protection was not so much needed as some people seemed to imagine, as those who possessed really interesting ancient monuments would be anxious to preserve them, independent of other's interference. The powers which the Bill proposed to place in the hands of the Commissioners of dealing with private rights were such that he was surprised at the owners of property on either side of the House supporting it. Further, the Commissioners were not to be rated for the property which might come into their hands; a proposal which was quite inconsistent with the claims and the complaints of those who were interested in the question of local taxation. Were the House to adopt the suggestion that had been thrown out, and to read the Bill a second time with the view of amending it in Committee, they would have to expunge the measure as it stood altogether, and to make a new one, a course which he did not think was a Parliamentary mode of proceeding. Objecting in general terms to the Bill, he was opposed to it further on the ground that it proposed to deal partially with the country, and not to treat it as a whole. Why was Cornwall excluded from the operation of this Bill? If it were good for other parts of the Kingdom, it was equally good for Cornwall. He should vote against the second reading, which he hoped would be rejected by such a majority as would have the effect of deterring any further attempt at legislation in this direction.

MR. SULLIVAN, in supporting the Bill, said, that listening to the arguments which had been urged against it, one felt inclined to doubt if he lived in the 19th century. He thought the opposition to it was hardly worthy of the House, or of the age in which we lived. It was not only wilful destruction that they should guard against; but they should consider that mere neglect was constantly causing the destruction of ancient monuments. It was true that the Irish people and the Irish landowners had anticipated the Bill, and he might refer to the present condition of Muckross Abbey to show the fostering care of the Gentleman, a Member of the House (Mr. Herbert), on whose property it stood; but, sad to say, in the same county there lay neglected and falling into ruin ancient monuments which other countries would purchase with their whole wealth. The noble Lord who had supported the Amendment (Lord Francis Hervey) turned the question into ridicule, and boasted that a Celt had not been his ancestor. He (Mr. Sullivan) fully believed him, for the Celt was always influenced by a pious reverence for the past. The noble Lord asked why they should purchase such rubbish as Mr. Layard had obtained for the British Museum as evidence of Assyrian civilization, and which any skilful stonemason might, so far as art was concerned, excel; but he (Mr. Sullivan) had a respect and reverence for those monuments of the past, no matter to what country they belonged, and in the preservation of the historical memorials of those countries he hoped the House would put itself right with the sentiment of all men of culture throughout the world. The Bill would not injuriously affect private property, and he trusted that the House would assent to the second reading of it.

MR. DALRYMPLE, in support of the Bill, said, that any hon. Member entering the House for the first time during the speech of the hon. Baronet the Member for North Wiltshire (Sir George Jenkinson) would have thought some measure of spoliation was under discussion; whereas, instead of unduly interfering with the rights of property, the Bill before the House was conservative of those rights. He hoped that those who were interested in matters of taste, and had a care for works of art,

among whom he did not presume to include himself, would not be deterred from bringing forward these questions by any sneers such as had been used on the present occasion by the hon. and learned Member for the City of Oxford (Sir William Harcourt). On the previous evening the same sort of tone had been adopted towards his hon. Friend the Member for the Isle of Wight (Mr. Baillie Cochrane), who brought on an important question of foreign affairs. Debates on foreign affairs were nearly as rare as debates on questions of art, and in neither case ought any sneers which might be levelled at the Movers of such questions to deter them from their purpose. It was most unwise needlessly to invoke the bugbear of interference with the rights of property. No person on that side of the House certainly would propose any undue interference with the rights of private property; but their ancient monuments, while in a certain sense private property, were at the same time subjects of public interest, and it was notorious that, while many of those monuments were in the hands of landowners who knew how to take care of them, there were others in the possession of persons who were totally incapable of appreciating their value, and totally regardless of their preservation. It happened that in the county he represented (Bute) there were many of those ecclesiastical remains for which the West of Scotland was particularly famous, and, thanks to the noble Lord who owned them, they were not only preserved from injury, but in many ways money was expended upon them, so that the public might have the benefit and enjoyment of visiting them. No one who watched the public Press could shut his eyes to the fact that in many parts of the country there was a danger of these ancient monuments passing away for want of due care being taken of them. But lately, in the West of Scotland, most unfortunate inroads had been made on an ancient abbey, which might have been prevented if the proprietor had had more knowledge of the high value from an antiquarian point of view of the ancient buildings which he possessed. The present Bill was a wise and moderate step in restraint of Vandalism, and he trusted that, notwithstanding the bugbear which had been conjured up of interference with the rights of property, the hon. Baronet

Mr. Dalrymple

(Sir John Lubbock) would proceed with his Bill, and that it would now receive a second reading.

COLONEL KINGSCOTE was of opinion that a more arbitrary Bill than the present had never been introduced into the House. He had just read it over as he came into the House, and to his great surprise he found it proposed in the Schedule to take out of his hands an ancient monument which was situated on his property, and that without giving him any notice whatever, and without his consent. His gates also might be removed to give access to this portion of his property. If the Bill were passed no one could be sure of being left in possession of his own property, and for the sake of that property he must oppose it.

DR. LUSH said, he rose to express his entire dissent to the hon. Baronet the Member for North Wiltshire (Sir George Jenkinson), who had expressed opinions on this subject which certainly were not those of the part of the country which he represented. He should give his hearty support to the Bill.

MR. PELL protested against it being said that if private property was to be interfered with, it should be for something of greater importance than the preservation of public monuments. Food had been instanced as one thing; but the instincts of the people would always induce them to provide food; whilst they had to preserve ancient monuments from the love of destruction which was indigenous in youth and universal to the British snob. A Bill of this kind was absolutely necessary to preserve such monuments as remained, for it should be observed that the spirit of mischief was constantly at work upon them, and tended to their destruction. In one memorable instance, that of the Logan Stone in Cornwall, when a lieutenant in the Navy had overturned it, he was made to replace it under fear of being dismissed the service, showing the interest taken by the authorities of that day in such objects. He did replace it, displaying in doing so singular energy and skill. The hon. and learned Member for the City of Oxford (Sir William Harcourt), when seated below the Gangway, was constantly engaged in defending the rights of the people—to quote the usual phrase—to the commons; but, curiously enough, he was now found opposing the

rights of another section of the same people to preserve the monuments in which they took deep interest, and which were to be counted among the important historical records of the country. He should give his cordial support to the Bill.

MR. W. CARTWRIGHT in answer to the remarks of the hon. Baronet the Member for North Wiltshire (Sir George Jenkinson), said, that the object of the Bill was not to take away property, but to preserve it; and in every case where the proprietor took care of ancient monuments there would be no interference with his rights in any way. It had been said that private property should not be taken except for the purposes of public utility, but surely the preservation of these monuments was a matter of the highest public utility. He hoped that the Bill would be read a second time. Every argument against it referred to points of detail, which could be considered in Committee.

MR. MARK STEWART said, he found himself in a position somewhat similar to that of the hon. and gallant Member for West Gloucestershire (Colonel Kingscote), for until he came into the House he had no conception that property in which he had an interest was in the Schedule of the Bill, but he was not going to oppose the second reading on that ground. He approved of the principle of the Bill, and wished that it had been in operation for the last hundred years, and then they might have had preserved in that part of Scotland with which he was connected many interesting relics connected with the 3rd and 4th centuries, and many specimens of mediæval architecture, of which only slight traces now remained. He had in his mind's eye, on the property on which he lived, one of the most interesting monuments in Scotland—the earliest Christian monument—the stones on which the inscription was engraved were now the pillars to the gateway leading into an ancient burial-place—Kirkmadrine, in the parish of Stoneykirk, in Wigtownshire, and probably were now safe, but were almost the only remains left of interest on that spot, their neighbours having, no doubt, been taken at no very remote date to build some dyke, or for some such purpose. He could mention other places where now hardly any traces of remains were visible, the

monuments and stones of interest having been used up in the most reckless and indifferent way, without regard to anything of the past. He had taken great interest in the ancient monuments of Scotland. He felt that the Bill did not really interfere with the legitimate rights of property, as his view was that only those who were really neglectful of the past would be brought under its operations, and that to those a fair price would be paid, in order that the ancient monuments in their possession might be handed down to posterity. On those grounds, therefore, he should cordially support it.

MR. W. H. SMITH, on behalf of the Government, strongly opposed the Bill as far as its details were concerned, although he admitted the Preamble, which affirmed the importance of preserving ancient monuments. He opposed the Bill, mainly because it proposed to constitute a very strong body of Commissioners, who were to have unlimited power to acquire ancient monuments of whatever origin—British, Roman, Celtic, or Saxon, which they might think it necessary to preserve. Another objection to the detailed provisions of the Bill was, that they would have a tendency to relieve owners of property of responsibilities which they had hitherto been called upon to discharge, and had in the main discharged faithfully and well. The provision that the owners of ancient monuments should not be permitted to allow injury to the monuments in their possession was one which no owner could fully carry out, and which would compel the owners for their own protection to apply to the Commissioners to take the monuments under their care. Representing the Treasury, he should not be prepared to assume the responsibility of framing and submitting to Parliament an estimate which would satisfy, on the one hand, the Commissioners under the Bill, and, on the other, the public whose money would have to be voted, for, in his view, the responsibility would not be measured by hundreds, but by hundreds of thousands of pounds, there being virtually no limit to the ancient objects of one kind and another which might be brought under the operation of the measure. Further, the Bill which would involve so large an expenditure of money was introduced by a private Member; and it was not pro-

posed that either the Government of the day or that Department of it which was called the Treasury should be represented upon the Commission. It might be urged that the Government of the day would be able to check the presentation of unduly large estimates under this Bill; but he feared that a strong Commission appointed by Parliament would be one which the Government would deal scarcely like the responsibility of dealing with. As he had said, the Government accepted the principle of the Preamble—namely, that these monuments ought to be preserved, but they were not prepared to accept the conditions and the machinery of the measure, and if the hon. Baronet would withdraw the Motion for the second reading, he would undertake that a conference should be arranged between the promoters of the Bill and the Government in the autumn, with a view to the introduction of a measure which should have for its object the carrying out the Preamble of the Bill now before the House, with such modified details as the Government could accept and undertake to carry into effect.

SIR JOHN LUBBOCK, in reply, maintained that the Bill being essentially one of a public character, he had no choice but to bring it in as a public measure. The attacks that had been made on the drafting of the Bill reminded him of the old proverb, "If you have a bad case, find fault with the attorney for the other side." He took it that those who blamed the draftsman could not say much against the principle of the measure, and he thought that its supporters had reason to congratulate themselves upon the tone of the debate. The county of Cornwall was not excluded from its provisions more than any other county, but the Duchy of Cornwall for a technical reason, which he much regretted, was excluded. Many instances had occurred to show the necessity for such a measure, but, as he had already mentioned them, he had not thought it necessary on the present occasion to do so. He thought, however, it would not be denied by any one that our ancient monuments were gradually disappearing, victims of the increased value of land and the demand for road material and building stones. Now, he asked hon. Members to look at the ancient monuments in their own districts mentioned in that Bill, and tell

him which of them they would see destroyed without regret. Was it Silbury Hill, the grandest sepulchral monument, perhaps, in Europe? Was it Avebury, the most remarkable of the so-called Druidical structures? Was it Stonehenge, enigmatical and unique? Was it Arthur's Round Table, or the Rollrich Stones; Kits Coty House, or Wayland Smith's Forge, dear to all readers of Sir Walter Scott? Or, turning to Scotland, was it the curious Dun of Dornadilla? Was it the Pictish Tower of Mousa, the only one, he believed, mentioned in the Sagas, and which was even now nearly perfect? Was it Sueno's Stone? or the Cat's Stane, with its inscription said to be in memory of Vetta, the grandfather of Hengist? Was it the Newton Stone, with its inscription as yet altogether unread? Was it Maeshowe, with its Runic records? or the Ring of Brogar? or the Stones of Stennis, with all their romantic associations? In Ireland, was it the Giant's Ring, near Belfast? Was it the curious fortification known as Staigue Fort? Was it the remarkable tumulus of Newgrange, with its curious decorations; was it the ruins of Teltown, or the remains of the Hill of Tara associated so intimately with the earliest of Irish records? He hoped that Bill would be rejected neither by Englishmen nor Scotchmen; and Irishmen surely would not grudge a slight and almost infinitesimal expense for the preservation of these fragments of early Irish history. Indeed the expense entailed by the measure would be very trifling, the amount, moreover, would be settled by the Treasury and controlled by the House of Commons, and it would not be necessary where there was no danger of the monuments being destroyed. Those monuments had passed through great dangers. They had been spared by Roman soldiers, by Britons, Saxons, Danes, and Normans; they were respected in our days of comparative poverty and barbarism; in these days of enlightenment and civilization, of wealth almost beyond the dreams of avarice, they were in danger of being broken up for a profit of a few pounds, or removed because they cumbered the ground. If the House allowed them to be destroyed, they could never be replaced. It was said that the Bill would interfere with the rights of property. What rights? The right of destroying interesting national monu-

ments. That was the only right that would be interfered with. It was not incidental to the Bill, it was no drawback in the Bill, it was the very object of the measure. It was really, however, the rights of destruction, not the rights of possession, which it touched. It was now for the House to determine whether it would exercise on behalf of the nation the right to preserve those monuments; whether it would maintain the right of individuals to destroy, or the right of the nation to preserve. He hoped the House would agree to the second reading of the Bill, for it would surely be a shame and a disgrace to allow those ancient monuments to perish.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 187; Noes 165: Majority 22.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for *Wednesday* next.

MR. RAIKES gave Notice that on the Motion for going into Committee on the Bill, he would move that it be referred to a Select Committee, consisting of Five Members, Three to be nominated by the House and Two by the Committee of Selection; That, subject to the Rules, Orders, and Proceedings of this House, all persons legally interested in any of the properties included in the Schedules have leave to appear by their Agents, Counsel, and Witnesses in support of any Petition they may present praying to be heard against the Bill.

OFFENCES AGAINST THE PERSON BILL.

(*Mr. Charley, Mr. Whitwell.*)

[BILL 45.] SECOND READING.

Order for Second Reading read.

MR. CHARLEY, in moving that the Bill be now read a second time, said, that its principle was embodied in the Bills which he had introduced on the subject in 1872, 1873, and 1874, all of which had been read a second time in that House. Its object was to extend the protection of the law to young girls between the ages of 12 and 14. Was it just, was it fair, was it statesmanlike, to exclude from the protection of the law girls of so tender and critical an age. There were now young girls left at the mercy of every scoundrel who was base enough to take advantage of their youth

and innocence. He believed that a large majority of the House was in favour of the principle of the measure. The 4th clause had met with some opposition, but he thought he might say that it now commanded very general assent. The 5th clause was new, and related to the seduction of, by fraudulent or false pretences, girls between the ages of 14 and 16, and it was founded on the analogy of the 49th section of the Offences against the Person Act; he thought, however, that perhaps it would be better to raise the age to 21, and abolish civil actions for seduction. He regretted that the right hon. Gentleman the Home Secretary, who sympathized with the objects of the Bill, was then unable to be in his place; but he presented it to him as a humble contribution to that fabric of social reform which the right hon. Gentleman was rearing to his own honour and the advantage of the country at large.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Charley.*)

THE ATTORNEY GENERAL said, he did not offer any opposition to the second reading of the Bill, with the object of which he sympathized to a great extent; but he must take objection to some of its provisions, which would require consideration in Committee.

MR. RUSSELL GURNEY expressed his approval of the Bill. He suggested, however, that the age of 13 should be substituted for 14 in Committee.

MR. WHITWELL was in favour of the principle of the Bill.

Motion *agreed to*.

Bill read a second time, and *committed* for *Monday* next.

DOVER PIER AND HARBOUR BILL.

Three to be the quorum of the Select Committee.

FREE LIBRARIES AND MUSEUMS ACT AMENDMENT BILL.

On Motion of Mr. MUNDELLA, Bill to amend the Free Libraries and Museums Act, *ordered* to be brought in by Mr. MUNDELLA, Sir JOHN LUBBROCK, and Mr. KAY-SHUTTLEWORTH.

Bill *presented*, and read the first time. [Bill 119.]

House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, 15th April, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Local Government Board's Provisional Orders Confirmation * (53); Public Health (Scotland) Provisional Order Confirmation (Nos. 1 and 2) * (54-55), and referred to the Examiners; County Courts * (57).

Second Reading—Agricultural Holdings (England) (39).

AGRICULTURAL HOLDINGS (ENGLAND)

BILL—(No. 39.)

(The Lord President.)

SECOND READING.

Order of the Day for the Second Reading read.

Moved, "That the Bill be now read 2^d."
—(The Lord President.)

THE EARL OF AIRLIE said, that as in the opinion of his noble Friend who had introduced the Bill (the Duke of Richmond), there were reasons which rendered it expedient that there should be legislation of some kind on this subject, he should not say anything further on that point than that he concurred with his noble Friend. But in respect of the Bill itself, this very important question arose—namely, whether it was of such a nature as to satisfy all the reasonable requirements of the tenants, while it maintained freedom of contract; whether it should secure compensation for improvements where both landlord and tenant were willing to come within its provisions; or whether it should be compulsory, and compel both landlord and tenant to come under its operation, excluding freedom of contract altogether. Now, if the compulsory principle ought to be adopted, this Bill was worthless; but, on the contrary, if freedom of contract was to exist, then it appeared to him that there was no deficiency in the Bill which might not be amended in Committee. There were a considerable number of gentlemen who were entitled to speak with great authority on agricultural subjects, who condemned the Bill because it was not compulsory. One of those gentlemen said that because the Bill did not set aside freedom of contract and was not compulsory, it was not worth the paper on which it was printed. That gentleman, and those who acted with him, professed to repre-

sent the tenant-farmers of the country. Well, he much doubted that they did speak the opinion of the great majority of the tenant-farmers in respect of this Bill. Let their Lordships take the case of Scotland. Before Easter a deputation from the Scottish Chamber of Agriculture waited on his noble Friend opposite (the Duke of Richmond), and placed in his hands two resolutions which, he believed, had been unanimously agreed to at a meeting of that body. Those resolutions were—

"1. That if the hindrances which obstruct agriculture were effectually removed and producers were thus made safe to apply their means freely in developing the capabilities of the soil, there would be a large and rapid increase to the production of food and to the resources of the country.

"2. That if all laws of privilege and unequal presumption adverse to the producer of food were effectually taken away, there would be no need to interfere with freedom of contract."

Of course, it was very difficult to ascertain what was the opinion of the majority of the tenant-farmers; but he would remind their Lordships of a rather remarkable election in the county of Cambridge last winter. A gentleman who was said to have been brought forward by the great landlords of the country withdrew, and an hon. and learned Gentleman (Mr. Rodwell), who beyond all doubt was the candidate of the tenant-farmers, was returned. That hon. and learned Gentleman said that, though he was in favour of compensation, he was utterly and entirely opposed to doing away with freedom of contract;—so that the tenant-farmers in that country were not in favour of doing away with free contract. It seemed to be generally admitted that the landowners of England were not disposed to deal unjustly with their tenants. A gentleman who was one of the strongest advocates of a compulsory measure—Mr. James Howard, of Bedford—spoke the other day in terms so eulogistic of the landowners that as he was one of that body he was almost afraid to quote them. Mr. Howard told his noble Friend (the Duke of Richmond) recently that he had no indictment to bring against the landowners, and he stated on the other occasion to which he had just referred that they had done their duty nobly. But one of the arguments put forward by the advocates of compulsion was, that the presumption

was now against the tenant, and that limited owners had not power to charge the land with compensation paid for improvements. The Bill before their Lordships met that argument. It altered the presumption of law in favour of the tenant who had made improvements, and it enabled the limited owner to charge the estate with the compensation paid for those improvements. Mr. Howard was reported to have made these observations in his speech at Hexham—

“He spoke rather feelingly upon this question, because some years ago he took two farms belonging to two friends of his, who were limited owners and had not the power to enter into an agreement to pay compensation. He (Mr. Howard) however drained the land 4 feet deep and 30 feet wide, and since that time one of his friends had died and the estate of the other had changed hands; so that in a year or two he had to give up the farms and he had no claims upon the owners.”

But the Bill now before them would have completely met this grievance of Mr. Howard's, inasmuch as it gave power to owners of settled estates to charge their properties in respect of compensation to tenants for improvements made by them. It was said that this Bill would be of no use because landowners would contract themselves out of its provisions. Without claiming for landowners the possession of sense superior to that of other men, he thought it fair to assume that in the conduct of their business they would be guided by their own interests; and every landowner knew that, in the long run, it was for his benefit that the tenant should have security for improvements. Such security gave the landlord a better tenant and better rent, and rent more punctually paid. The probability, therefore, appeared to him to be that instead of setting themselves to make the Bill of no effect, the great bulk of the landlords would—he did not say adopt this Bill, but set themselves to act in accordance with the spirit of those provisions in their dealings with their tenants. In saying this, he was not speaking on mere conjecture. He believed the landlords and tenants of Norfolk had lately met and agreed on a scale of compensation, which scale had been adopted in that county. A similar step had been taken in other parts of England; and if a considerable number of landlords became parties to such

agreements their conduct would bring a pressure to bear upon others—for the latter would see that those who had adopted the principle of compensation got better rents. It was one thing to be in advance of a law of this kind; it was quite another thing to be behind it. He thought that those who advocated the setting aside of private contract were bound not only to show that their object would be effected in that way, but also to show that it could not be effected in any other way. He would not venture to indulge in prophecy; but it seemed to him more reasonable to suppose that landowners having a regard to their own interest would endeavour to frame agreements in accordance with the spirit of the Act, than to assume, as the advocates of compulsion did, that they would set themselves to make its provisions of no effect. Those who advocated the setting aside of private contract as between landlord and tenant had been at great pains to show what no one denied—that there were other cases in which private contract had been set aside by the Legislature. Mr. Howard referred to railways; but it must be borne in mind that railway companies came to Parliament to ask for certain powers, and Parliament said that if those powers were granted it would be on certain conditions. There Parliament imposed conditions no doubt; but the action of the railway company was voluntary from beginning to end. No one asked it to come to Parliament, and no one asked it to take the Bill if it did not wish to do so with conditions annexed. He was willing to admit that if a case were made out for Parliamentary interference with free contracts as between landlord and tenant, that interference would be justified; but he denied that such a case had been made out. Again, they were told that in this case other interests besides those of landlords and tenants ought to be consulted, because the public had an interest in the matter. He was glad to accept that issue. It would not be hard to show that compulsory legislation in reference to the relations between landlord and tenant would be injurious not only to both those classes, but to the public at large, for not only would it work injustice between the parties themselves, but it would be likely to affect the public in a way the promoters did not appear to have foreseen, and against which they

had failed to guard. The Lincolnshire custom was very much held up to commendation. No doubt it worked well in Lincolnshire; and his noble Friend (the Duke of Richmond), when introducing this Bill, said that if he could have seen his way to doing so he would have been glad to have adopted it for the whole country. But his noble Friend could not see his way to doing that, and he believed that those best acquainted with the subject concurred with his noble Friend in thinking that no attempt of the kind would prove successful. The Lincolnshire custom had grown up under a system of free contract. In an interesting collection of letters written by Mr. Caird, it was shown that in Lincolnshire itself modifications had been made in the custom as it existed formerly—and that in some cases the landowners had found it necessary to limit and define it. In the case of Lincolnshire it should also be borne in mind that they had a body of arbitrators who had been trained to undertake the duties of arbitration, and a scale of compensation which was the result of long experience. They had no such body in a great part of England and Scotland; and if the Bill were made compulsory, questions of great importance would be left to the decision of arbitrators who had had no previous training. It was difficult to guard against fraud. Suppose, for instance, a tenant held two different farms lying close beside one another, and that he wanted to hold one and give up the other. He might consume feeding stuff on the one he intended to keep and charge compensation for it as against the farm he was about to surrender. He should not wish to have to act as arbitrator in such a case as that. A very curious light was thrown on this branch of the subject during the sittings of the Select Committee on Improvement of Land, presided over by the noble Marquess opposite (the Marquess of Salisbury). Mr. Sanderson gave this evidence—

“Therefore what you know is only by hearsay? (as to the failure of drainage executed by the landowner with money borrowed from the Land Improvement Company.)—Only by hearsay. There was a case in Lincolnshire I was employed upon some years ago, where an incoming tenant was to pay a certain amount for drainage done by his predecessor. I was agent for the owner of the estate. He appealed to me that he would not pay the charge. I examined

the drains; they were 16 inches from the surface and full of soil. They were never examined by the valuer who assessed the difference between the incoming and outgoing tenant.”

The other day he (the Earl of Airlie) heard of a Scotch farmer who, in reply to a person who said to him that a requirement for the production of receipts would be a check against fraudulent claims for compensation, said he knew men who would give him as many receipts as he liked for a glass of whiskey. In a letter written to *The Times* some time ago by Mr. Hope, who had had experience as a tenant farmer, that gentleman remarked that in the consideration of this matter the interests of the consumer ought to be regarded. That was very true. Was it for the interest of the consumer that the outgoing farmer should be over-compensated? Certainly not, because in 99 cases out of 100 the consumer paid what the incoming tenant had to hand to the outgoing one. If the incoming tenant paid too much he had the less capital to lay out on his farm. He was not speaking on this point merely from conjecture; it was well known that in the counties of Surrey and Sussex, where the customs were very onerous, the condition of agriculture was, or till a recent period had been, more backward than in any other part of England, and the reason was obvious—the incoming tenant was so burdened by the payment of exorbitant sums to the outgoing tenant, that he had but little capital left for the proper cultivation of his farm. Some gentlemen who spoke on this subject always assumed that the whole of the expenditure on a farm was made by the tenant, and that the landlord had no outlay at all. Landowners knew that not to be the fact; but he was very much afraid that if they were exposed to extravagant claims for compensation they would restrict their outlay as much as they could. Then it was to be remembered that every year men who had made money in commercial and other pursuits showed an anxiety to invest in land. He did not think that such men would continue to invest their money in land so freely as they had done hitherto if that freedom of contract, which was the life and soul of business, and to which they had been accustomed all their lives, were to be abolished by Act of Parliament. Two years ago the advocates of legislation for giving compensation did not go

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so far as they did now. At that time they were content that the claim for compensation should not extend beyond improvements made with the consent of the landlord; but now they went much further, and wanted that the claim should be held good whether the landlord had consented or not. Mr. Howard was reported to have made use of these observations in his speech at Hexham—

“With respect to Clause 9, which made the previous consent of the landlord indispensable with regard to permanent improvements, it was a very natural provision for the owners to wish to see inserted in the Bill; but he was strongly of opinion that it would act disadvantageously to their interests, inasmuch as it would check the outlay in permanent improvements, and the great object of legislation was to encourage outlay on the part of the tenant in making improvements. Looking to the facts of the case, that the enjoyment by a tenant of his improvements would lessen his claim for compensation, that at the end of 20 years his claim altogether ceased—looking also to the fact that should he quit before the expiry of his lease his landlord would have the satisfaction of a valuation, and that the outlay had been of a suitable character and had added to the letting value of his holding—surely the interests of the landlord were amply secured without this proviso of previous consent.”

He would mention to their Lordships a case within his own experience. A few years ago he had occasion to let some land in the neighbourhood of Dundee. This land he knew would, before very long, be required for a reservoir in connection with a proposed supply of water to the town. He felt anxious to facilitate the object which the promoters of that scheme had in view, and, in order that he might be in a position to do so, he entered into an arrangement with the tenant to whom he was letting that he should be allowed to re-enter on the land at a short notice, and that compensation for improvements should not go beyond a certain amount. Subsequently the promoters of the water scheme did come for the land, and he was able to sell it to them at a price which certainly was satisfactory to himself, but which appeared to them to be reasonable. Now, if he had not provided against large claims for compensation, the town of Dundee might have had to pay 30, 40, or 50 per cent more than they actually did for the site of a reservoir; because the compensation would not have fallen upon him, but upon the town. But he ventured to think that a good supply of pure water for the town of Dundee was

of much more importance than that a bushel or so more grain per acre should have been grown for a few years on this land. They could import any quantity of grain, but they could not import supplies of water for their great towns. There was another consideration in connection with this matter. Complaints were being made of the overcrowding in great towns; and in the other House of Parliament the Government had introduced a Bill to, in some way, remedy that state of things. But increased space would be required now and in the future, and the burdening of land with indefinite and, it might be, exorbitant charges for compensation would stand in the way of the acquisition of sites for building. It appeared to him, therefore, that from whatever point of view they looked at it—whether from the point of justice as between landlord and tenant, or from that of justice as between the incoming tenant and the outgoing one, or from that of consideration for the interests of the public—freedom of contract ought to be upheld. For those reasons he believed his noble Friend (the Duke of Richmond) was right in not proposing a compulsory measure, and in inserting safeguards against extravagant claims under this Bill. Having said so much, he wished now to submit that in one or two respects the Bill appeared to be a little one-sided in favour of the landlord. Clause 14, having described the several things which, under the Bill, should be regarded as waste, concluded with these words—

“But nothing in this Act shall prevent any act or thing not specified in the section from being deemed waste diminishing the letting value of the holding.”

That certainly appeared to be a little one-sided. Then, as to the terms at the expiration of which improvements were to be deemed exhausted, the term in the case of a house was 20 years as the Bill was now worded. Well, there was no denying that a house must be somewhat the worse after 20 years; but it might be worth something even after that period. Then, again, as to “liming,” to which the term of seven years was applied. It was stated that in some places liming was good for 14 years. As to the provision in Clause 20, giving power to the Referees and the Umpires to administer an oath, and providing that any person giving false evidence

should be deemed guilty of perjury, that seemed to be a strong measure, seeing that the appeal from the Umpire was to the County Court and not to a criminal tribunal. It might, however, be right. As to the appeal, it would be from the nominee of the County Court Judge to the County Court Judge himself. He had not made those criticisms in any spirit of hostility to the Bill, but because he thought the points to which they were directed ought to be looked to by the noble Duke and their Lordships' House. With regard to the Bill as a whole, he did not think it would produce any violent or sudden change. Indeed, he did not think that even a compulsory Bill would give those who advocated it all that they expected from a measure of the kind. Some of them seemed to think, for instance, that it was a great evil that we had to exchange our manufactures for food. His hon. and learned Friend the Member for Oxford (Sir William Harcourt) lamented that the other day at the Farmers' Club; but with great respect for his hon. and learned Friend and those other gentlemen, he had thought that one of the benefits of the repeal of the Corn Laws was to enable us to make such an exchange. He believed that the Bill would give a considerable stimulus to good farming; that the progress made under it would be steady and continuous; and that there would be no risk of that re-action which might be the consequence of a more stringent measure. For the reasons he had stated, he thought his noble Friend had exercised a wise discretion in not making the measure compulsory.

THE MARQUESS OF HUNTLY said, he could not say he regarded this measure with the same pleasure that had been manifested by the noble Earl who had just spoken (the Earl of Airlie). As, however, the attempt at legislation which he made last Session was pronounced by the noble Earl to be ill-timed, and by the noble Duke (the Duke of Richmond) to be crude, he could not but regard this Bill as a recognition that his attempt was neither so ill-timed nor so crude as it had been pronounced to be. There were only two provisions of the Bill to which he thought it necessary to draw attention, to both of which his noble Friend had already referred. The first of these was the right to appeal to the

County Court from the reference to arbitration. Was not this unusual and somewhat absurd? In the Irish Land Bill arbitration and resort to a Court were given, but only as alternatives. The parties could not have both arbitration and appeal. After two men had agreed to settle their differences by the assistance of two arbitrators mutually chosen, and an umpire appointed by the arbitrators, who ever heard of an appeal? The second point, to which reference had been made by the noble Earl was this—the great difference in the Bill between the definition of deterioration and that of improvement of land. Surely Clause 6, defining "Improvements," should have a corresponding clause to the Proviso in Clause 14 equally applicable to the landlords. In Clause 14, after an enumeration of acts of waste, it seemed rather one-sided to provide that—

"Nothing in this section shall prevent any act or thing not specified in this section from being deemed waste diminishing the letting value of the holding."

The real question, however, was as to the principle of the Bill, and if it was made optional to the landlords and tenants to contract themselves out of the Bill, as was provided in Clauses 37 and 38, the statute would become a mere dead letter. From the speech made by the noble Duke when introducing the Bill, he was led to believe that the object of the Bill was to introduce a custom where a custom did not exist; but the adoption of the Bill was optional and the security illusory. He believed that with one single exception all the Chambers of Agriculture, some 30 or 40 in number, which had met during the Recess, had carried resolutions against the Bill, and there had been published a number of letters from farmers saying that the Bill was unsuitable. On the occasion of the first reading, the noble Duke, when asked why he did not give a right of appeal in the case of claims by owners of small farms, said that the man with 20 acres would never lay out a shilling that would entitle him to compensation. But did not the owners of orchards, who in many cases were the holders of only small farms, lay out money in improvements? The noble Duke, when introducing the Bill, said it would "satisfy all reasonable and moderate men." He did not concur with the noble Duke; but he believed it would satisfy reasonable

landlords, who already gave their tenants as much as the Bill would afford them, and that it would also satisfy immoderate and unreasonable men who would snap their fingers at it.

VISCOUNT MIDLETON said, that if their Lordships failed to be guided to a wise decision in relation to the subject with which the Bill dealt it would not be from want of criticism on it. He had carefully considered the remarks that had been passed upon the measure by the various Chambers of Agriculture; and while he admitted that there were some parts of the Bill that required amendment, it struck him that the objections referred principally to matters which were subjects for consideration in Committee rather than on the Motion for the second reading. The extreme objection to the Bill appeared to be that it preserved the principle of freedom of contract—but that to him was the chief merit of the measure. It might, perhaps, be said that if it only maintained the principle of freedom of contract, the Bill was not wanted at all, because, as the law now stood, the landlord and tenant could make any agreement that they thought mutually beneficial. But he did not think that was quite correct. He thought it would be very advantageous that some rules should be laid down by Parliament for the guidance of landlord and tenant, and to which both parties might appeal as suggesting a fair basis for mutual agreement. But freedom of contract was the essence of the Bill, as it was of most dealings in this country. The framers of the Irish Land Bill had tried in every way to prevent freedom of contract from being introduced in that measure; but whenever an attempt was made to prevent by legislation freedom of contract, cunning was sure to step in and defeat that legislation. He was sure he should speak the opinion of all who had watched the working of the Irish Land Act when he said that in the case of that measure the attempt had been evaded, and means had been found to set its provisions at defiance. But their Lordships would recollect that in the case of the Irish Act Parliament had insisted that, while freedom of contract was destroyed in the case of small holdings, it must be preserved in the case of large ones. Now, what was regarded as a large holding in Ireland was looked upon as a small one

in this country; so that in upholding freedom of contract in the case of English farms the noble Duke was only following the precedent laid down by Parliament in the case of the Irish Act. Farmers were, as a rule, perfectly well able to manage their own affairs and to make their own agreements—very frequently, indeed, they knew more about these matters than their landlords did. As a class, the landlords of England were a body of men who would not take an unfair advantage of a tenant. He did not wish, however, to praise them for this, because he believed such a course of action was dictated by the most powerful motive—namely, the motive of self-interest. It was their interest not to drive hard and unfair bargains with their tenants, because in the long run such a policy would not answer. He was persuaded that if their Lordships attempted to interfere to prevent landlord and tenant, being free and competent contracting parties, or if their Lordships attempted to lay down a hard-and-fast line by legislation from which no departure was permissible, we should again set to work the ingenuity of lawyers who would try to evade the Act. Therefore, whatever provisions their Lordships might see fit to introduce in Committee he earnestly hoped they would not go the length of making any change in those clauses which preserved freedom in contract. There were not the same reasons in the case of England which existed in the case of Ireland. There was not in the sister country any very large outlet for commercial enterprise, and consequently those persons who were precluded from obtaining agricultural holdings on fair terms had not the opportunity of carrying their capital elsewhere. But no one ever maintained that those conditions existed in this country, where there was an ample field for the employment of any amount of capital and enterprise. Sometimes he remarked with astonishment the number of energetic men who were still content to carry on the business of agriculture with the moderate returns it generally gave for the capital invested as compared with capital invested in strictly commercial undertakings. Their Lordships must be aware from personal experience of the extreme difficulty of obtaining a skilful tenant who was willing to devote himself wholly to agriculture and not to be

diverted into some of the minor branches of commercial enterprise—such as auctioneering, valuing, and other occupations which would take him more or less from his proper work of agriculture. When a landlord succeeded in getting a good and improving tenant on his property, he was very loth to part with him. This being the case, he submitted that no cause had been shown why the freedom of contract should be interfered with, and why these provisions should be left out of the Bill. On the contrary, every reason of prudence and of policy would dictate their retention. He was convinced that if in an evil moment Parliament was induced to sanction their omission, the measure would be fraught with serious injury to the interests of the very class of the community whose welfare it was ostensibly intended to promote.

THE DUKE OF SOMERSET said, this was in no sense a Party question, but it was one in which their Lordships, as landlords, were largely interested, and therefore it was most important to give it a fair consideration and to carry out, as far as they could, what he understood to be the principle of the Bill—namely, compensation to the tenant for his improvements and compensation to the landlord for waste. He put altogether aside a great deal of the talk there had been in the country about the position of the agricultural tenants. It was said, for instance, that the farmers were the great improvers and that the greater the power given to them the greater would be the improvement of the land. He maintained, on the other hand, that the land was improved by the owner, who looked to permanent improvements more than was done by the tenant, who looked to more immediate profit. He deprecated any change which would disturb the harmony at present existing between landlord and tenant. It was said that if the productive power were increased, the farmers would devote their whole energies to feeding the people cheaply. Well, when the farmers opposed the repeal of the Corn Laws, they had not the same anxious desire to see the people cheaply fed. Again, it was said that the agricultural labourer would profit by the Bill. But a farmer, whether he were an owner or an occupier, strove to invest his money profitably; and if, on the one hand, he looked to increased production, on the

other he looked to economical labour. The Agricultural Returns showed that between 1872 and 1874 no fewer than 600,000 acres of land were laid out for permanent pasture. This was partly owing, perhaps, to the demand for animal food, but far more to the fact that the labourers had exhibited restlessness, striking for higher wages, and leaving their work without notice, and that the tenants were arming themselves against the future by laying out their lands in permanent pasture, on which it would not be necessary to employ so many men. Passing to the principle of the Bill, he agreed that compensation to tenants for agricultural improvements was just—but not exactly in the direction in which this Bill went. He found fault with almost everyone of its provisions, from the first to the last. First, as to the date at which the Bill was to come into operation, he pointed out that it ought to come into operation either at Michaelmas or Lady Day. Then the landlord's written consent was required for all permanent improvements; and he did not deny that some supervision was required as to what might be done by the tenant under this term; but, on the other hand, no limit had been placed on the extent to which a limited owner might charge his property. Then as to the second class of improvements—those which the tenant might do without the landlord's consent, there was no restriction at all. A tenant might, for instance, fancy to grow hops, and for that purpose kilns must be erected. Now, the cost of a kiln would be about £1,000, and this must be incurred if the plantation of hops were allowed. As regarded Kent or Sussex the power to plant hops might be very useful; but he should be very sorry to see hops planted on his land, and should object very much to have to pay for them. He thought there ought to be a much more careful schedule with regard to artificial manures, and that in all cases of proposed artificial manuring of land the tenant should give notice to the landlord, in order that he might have an opportunity of considering whether such manuring would be useful to the land. It was of great importance that some Bill should be carried on this subject which would satisfy both landlord and tenants that the Legislature desired to deal fairly between them; and he thought

that when the Bill got into Committee they might be able to impart such a character to it.

THE EARL OF MALMESBURY rejoiced that the noble Duke who had just sat down (the Duke of Somerset) approved the principle of this Bill—namely, that tenants should be compensated for unexhausted improvements; but he thought that the principal part of his remarks were more calculated for Committee than for the present occasion, when the question before their Lordships was the second reading of the Bill. The remarks of the noble Duke were well worthy of attention, and with regard to one or two of them he thought the noble Duke was not at all wrong. He hoped that the noble Duke would put down his suggestions in the form of Amendments, and that other noble Lords who objected to clauses of the Bill would also give Notice of Amendments before the House was asked to go into Committee on the Bill; and he could assure them that if they were put formally into shape, they would receive due consideration. The noble Duke was wrong in supposing that landlords would be bound under the Bill to bear the expense of any experiments conducted by their tenants except such as proved successful, and added value to the rental of the farm. The noble Duke, on the other hand, was right in saying that it would be sufficient to estimate the value of manures which had been sunk in the soil, and therefore the Bill provided that ample time should elapse after the manures had been used before any attempt was made to estimate the amount of value which their application had added to the farms. If a landlord and tenant chose to settle the amount between themselves they could do so; but in the event of their disagreeing it was provided that a settlement should be arrived at by the employment of arbitrators, an umpire, or, if necessary, the County Court. There was nothing in the Bill to prevent landlords and tenants following custom if they chose, for the Bill was voluntary. If it had been compulsory—as was desired by the noble Marquess who had spoken in the course of the debate (the Marquess of Huntly)—the contracting parties would not have been free to follow custom, but would have been bound within the strict letter of the Act. The Bill of the Government was intro-

duced with the purpose of laying down some just principles on which compensation might be based as between landlords and tenants, leaving it to the parties themselves to arrange their own contracts. If iron rules were to be laid down for regulating the relations between landlords and tenants, it would inevitably follow that all custom must come to an end, and that the labourers would speedily raise an outcry to be strictly protected by law instead of abiding by the customs regarding service and other things connected with their state which now existed. He hoped their Lordships would bring their experience as landlords to bear upon the Bill in Committee, in order that such modifications might be introduced as might mould it into a thoroughly satisfactory measure.

THE EARL OF MORLEY thought it would be some satisfaction to the House to know that some of the details of the Bill were to be modified in Committee, and with that understanding he was prepared to support it. He agreed with the principle on which the Bill seemed to be based—that there should be a presumption in law in favour of the tenant where improvements had been executed during his tenancy; but it was also important that care should be taken to provide against the property of the landlords being deteriorated in value through careless or incompetent farming. One of the vital principles of the Bill was embodied in Clauses 5 and 7, which provided that the compensation to tenants should be based, not upon the cost of the improvements, but upon the additional letting value of the farms which the improvements might create. It might happen that an expenditure of, say, £1,000, on a farm would add £100 a-year to the letting value, but it would be hard upon a landlord to compel him to pay to his tenant as compensation the capitalized value of £100 per annum. Again, the letting value of land might be raised by the construction of railways, the erection of buildings in its neighbourhood, or many other causes entirely apart from the action of the tenant; and therefore the utmost care ought to be taken in accurately defining the principle on which the tenant's claim to compensation was to be based; for it would be very difficult for the valuers and arbitrators to distinguish how much

of the increased letting value was really due to the improvement. Again, with regard to the classification of improvements, he thought the Bill was very imperfect. For instance, it entirely omitted all reference to the laying down of permanent pastures—one of the most important improvements that could be effected on a farm. As far as the first class of improvements was concerned—he referred to permanent structural improvements—he thought it ought to have been omitted from the Bill on the ground that, as was generally admitted, such improvements ought to be made by the landlords themselves; and as the Bill required the tenant to execute them with consent of the landlord it left things much as they were, except with regard to limited owners, and it appeared that it would be far better to deal with this part of the question in a separate Bill such as the noble Duke had promised to introduce. With regard to the improvements generally, it was provided that in the case of limited owners the cost was to form a charge on the estate. This principle was all very good, but there was no limit fixed to the amount which might be expended, nor any adequate provision that the improvements so charged should be such as actually to increase the value of the property. A provision of this kind was made in reference to loans made by the Lands Improvement Commissioners, and a similar one ought to be included in the present Bill. With regard to the question of compulsion, he thought it eminently desirable that freedom of contract should be preserved. The manner in which freedom of contract was preserved in the Bill he did not approve of. The provision that either of the contracting parties might, by giving notice to the other, exclude himself from the operation of the Bill, appeared to him to be absolutely unique in our Statute Book. He thought the Bill ought to be made generally applicable where there were no leases or written agreements, but that landlords and tenants should be allowed to come to what terms they pleased. In conclusion, he expressed a hope that the country would accept the Bill in the spirit in which it had been framed—namely, that the tenant should have compensation for improvements which he had made, while the landlord should

have a remedy against the deterioration of his land. He thanked the noble Duke for the introduction of the Bill, and trusted that it would be so improved in Committee as to prove beneficial both to landlord and tenant.

LORD HENNIKER would not say the Bill was entirely satisfactory, for it required amendment; but, speaking generally, he believed it was an honest, straightforward attempt at legislation. No Bill could be so comprehensive as to include the requirements, or even necessities, of every locality, and, more than that, no Bill could deal satisfactorily in detail with the subject. If anything, this Bill went a little too much into detail. The soil and the mode of carrying on farming operations varied so much, even in the same county, that it must be impolitic to lay down any but a very broad rule. In his own county, almost every field on some farms required a different treatment: therefore, any measure which might be passed should lay down the broadest rules possible. One of the principal reasons for the cry for legislation, and for legislation of a compulsory character, was that tenant farmers very often rushed into the farming business without due consideration and without sufficient capital. It was said that persons in this position required protection; but he did not think legislative interference was likely to be a benefit to either landlord or tenant. In other branches of business no one thought it politic that the Legislature should protect people who could not protect themselves. It was worth consideration whether the state of the labour market, and the fact that farmers were at the present time rather unsettled, had not helped to make the cry for compulsion, and whether the desire for stringent legislation was really so great as it appeared to be. There were three classes of grievances—a real grievance, an imaginary grievance, and a grievance which was hardly a grievance at all—one which was an exceptional grievance, or which affected only a small number. This question seemed to belong to the latter category. By the most energetic advocates of a compulsory measure it was acknowledged that legislation was only required for exceptional cases. The fact was that landowners, as a rule, gave more liberal agreements than any of the Bills that had been proposed; and where no agreement existed, there would

be, nine times out of ten, such a liberal custom of the locality, or of the particular estate concerned, that the tenant had ample security. It was said it would take 20 or 30 years to bring a measure of this kind into operation, whereas five years would bring a compulsory measure into full force. But it was far better to act gradually in a matter of this kind—especially when it was acknowledged that out of 10 cases it was generally only in one that there was any hardship or injustice. Surely there was no ground for disturbing all existing arrangements and setting landlords and tenants by the ears. It was said the landlord had too much power in fixing the rent; but there were two safeguards—first, the tenant ought to know what rent he should give, and, secondly, no sensible landlord would ask more than would give the tenant full opportunity of farming advantageously. Bad tenants generally offered too high rents; most landlords were pretty well aware of this. In 1873 he had a farm to let, and one or two applicants offered, broadly speaking, to give “more than anyone else” for the farm. He knew what that meant; it meant either no capital and no qualifications for farming, or an intention to take as much out of the land as possible, without putting anything into it. It was said that tenant farmers were buying land all over the country. That was true to some extent; but, at the same time, he had known many well-to-do farmers sell their own farms, and farm them or others as tenants, reaping the benefit of 10, 12, or 15 per cent for their capital, instead of $3\frac{1}{2}$ to 4 per cent, at the outside, while it was invested in land. There was something, too, in the fact that almost every Englishman wished to possess land. Every owner of purely agricultural land would be a richer man by investing his capital in almost any other security; but land was preferred on account of the pleasures, the occupation, and the opportunities of leading a useful life, which its possession afforded beyond all other kinds of property. He objected to compulsion as unnecessary, for it was as much to the interest of the landlord as the tenant to give liberal agreements, and he particularly objected to any approach to turning a landlord into a rent-charger. Tenants, too, would find such

a change to be to their disadvantage. He had been told by more than one Irish landlord that the present state of affairs there made a landlord afraid to spend money on his estate, and that the tendency was to obtain as much rent as possible, leaving the rest, as it were, to take care of itself. As to compulsion, he would say no more than that he believed it was not necessary, and that, if the whole tenantry of England were canvassed, a majority would be found to be opposed to it. Some persons thought, he might add, there was no necessity for legislation; but in that view he did not join, for he thought, as a general rule, it might be said in agricultural matters—*Modus vincit legem*. Customs were no longer applicable to many places where they existed, and it would be a boon that a good sound rule or custom should be laid down, having all the force of legislative enactment, and a good measure, laid upon broad lines, would be pretty generally followed. Landowners would see that it was wise to alter the custom of the country when it could be ameliorated. His own agreements were nearly according to custom; but he saw where he could alter those agreements beneficially in many respects. He was also of opinion that the customs of his own county might be amended. It was everything to a tenant to have a fair valuation, and if a too high valuation were given by any Bill it would be injurious. In Lincolnshire, taking a calculation upon which he could depend, already quoted in public, he found that 10 farms under the Lincolnshire custom, with an average rent of £1 10s. 4d. an acre, were allowed for compensation, for average of cake allowed 5s. 10d. an acre, for artificial manures 5s. 5d. an acre, and for seed, labour, improvements, and fixtures £1 8s. 1d. an acre, making in all £1 19s. 4d. an acre. Now, in his own county, land might be said to let for 25s. to 30s. an acre on the average, taking heavy land and light land, and yet the valuations were said to come to from 50s. to £3 an acre, and even in some cases to £4 an acre. Surely there must be something which required revision; the much-praised custom of Lincolnshire, with £1 19s. 4d. an acre, and his own county, with a much higher valuation. He would—for he would not attempt to go into details, take one instance—the

payment for tillages. These must be taken by valuers more or less on trust; excessive sums were often paid when it was of no benefit to the incoming tenant, and a far better plan was to pay for results, as in Norfolk, for roots. He believed a Michaelmas entry to be the best, for the farming year began, as it were, then; but, if carefully looked into, there was hardly a single custom of any agricultural locality which did not require revision. The Lincolnshire valuers had lately revised their custom; why should not valuers in other counties do the same? He wished for a moment to turn to one or two of the provisions of the Bill. One of the most valuable and important was the year's notice. He was not sure that this or the extended proposal of two years made by the Prime Minister would not have satisfied very many requirements, with a payment for permanent improvements, under proper restrictions. A simple measure—the simpler the better—was what was wanted, leaving small details to be settled as much as possible by those chiefly interested in different localities. Nearly, if not all other improvements were paid for by the incoming tenant, and a satisfactory arrangement could be easily arrived at. However, the Bill must be taken as it stood. Draining, he thought, should be allowed for over 12 or 15 years, instead of 20; but no draining by wood or straw. The difficulty was, how draining was to be valued—whether it were really properly done. There was a great deal of difference in the mode of draining, and if it were not done properly it was worth but little as a permanent improvement; while if it were well done 20 or 25 years, or more, would not exhaust its value. Ten years was the Lincolnshire system. Clause 33, he might add, would do more than any other, perhaps, to bring the Bill into practical operation, for it would give a fair power of charging a settled estate if the Bill were properly revised, so that the present powers of borrowing were not brought into collision with it. However, details were for Committee, and he would not enter further into them. He did not speak as wishing to legislate for landlords alone, but as much in the interest of the tenant, the labourer, and for the increased production of the soil. While he admitted the Bill might, and probably would, lead

to increased production, it must be remembered that doubling the produce, or anything of that sort, with the increased cost of labour, was not possible; that much land was now brought into cultivation which did not pay the enterprising people who brought it into cultivation; and that sometimes two or three sets of tenants might be ruined before any one was really benefited by it. The labourer must be considered, too. If too much were put upon the landlord by stringent rules, cottages, which were required in some places, must be paid for by an increased rent; they were required principally for the good of those who farmed the land, and the labourer would be the sufferer. What was required was some broad simple rule which would encourage tenants to farm in the best possible manner up to the day they left their farms; not complicated rules which would be constantly broken, from the fact that they were inapplicable to certain districts and certain systems of farming. It was said in his county that the best year for a farmer was the year of leaving the farm, the worst when he entered it. This was not to be got over in a moment, and certainly not by regulations which, if carried out compulsorily, would do away with all those farmers who were struggling against difficulties; for if they had to pay excessive valuations for artificial manures, and so on, no one but men of large capital would stand against it, and the occupation of land would become a monopoly. It was natural to skimp a farm when one was not likely to reap the benefit. That was a shortsighted policy now, and it would not be got over in a moment. It was because he believed this Bill would lead to the desired result, to the greatest possible freedom of action on the part of the farmers which could be allowed—and he should like to give all the freedom it was right and fair to give when it had been fully discussed by their Lordships and in the House of Commons—that a measure was necessary, and that it did all, if not more, than the law could usefully do at the present moment, he gave his cordial support to the second reading.

THE DUKE OF ARGYLL*: It seems to be the general understanding of the House that this Bill is to receive a second reading at your Lordships' hands. According to Parliamentary usage, there-

fore, we are to be held as having assented to its principle. And to this I have no objection, provided it be a little more clearly understood what the principle is to which this assent is given. I confess I am not wholly satisfied with the explanations and definitions of principle which have been given, either to-night or on the former occasion when the Bill was first introduced by the noble Duke opposite (the Duke of Richmond). Allow me then, my Lords, shortly to describe what I understand the Bill to be—what it says, and what it proposes to do. The Bill begins by laying down in the definition clause this sound principle—that the relation of landlord and tenant is simply a relation of contract; that however much, and however happily, in some respects, this relation may be modified and obscured by habit, and tradition, and hereditary feeling, yet at bottom, and in the eye of the law, the relation of owner and occupier is simply and purely one of mutual contract. But inasmuch as over a considerable part of England there seems to be hardly any distinct consciousness on either side that such is the nature of the relation—inasmuch as owner and occupier go on together, sometimes for generations, with no written contracts whatever, this Bill proposes that we—Parliament—shall suggest the substance of a contract which we consider to be equitable; which we will assume to be the contract between the parties where none other now exists; to which we shall give special advantages, in cheap and easy methods of enforcement; and on behalf of which we shall give special powers to limited owners. The Bill then goes on farther to say that when the two parties already have, or desire to have, a different contract of their own, we are not to interfere. Now, my Lords, on this description of the Bill, which I believe to be substantially accurate, and is stated without prejudice either one way or another, it is obvious that more than one important question of principle may be raised. In the first place, it may be asked whether any sufficient reason has been shown why Parliament should do for these particular contractors what it has not done, so far as I know, for any other contractors whatever; whether any necessity has been shown for our interference in the matter? I do not wish to debate this question now,

because English landowners seem disposed to admit, and I am not disposed absolutely to deny, that in cases where there is no written contract, and where the parties hardly seem to be aware that their relation is one of contract at all, there may be points in which it may be wise to change or modify the presumptions of the law. So far, and so far only then, do I feel myself committed on this matter by assenting to the second reading of the Bill. Then there is another question raised in this Bill, which may well be considered a question of principle. Supposing it to be expedient that Parliament should suggest the terms of a contract in the absence of any other, are we so sure that this contract which we suggest is so certainly the best—still more, are we so certain that it is the only good one—that we are justified in withholding from every other the advantage of the new machinery which the Bill professes to provide? And if this be considered a question of principle, then I must at once say that I do not assent to the principle of the Bill. It appears to me that the object aimed at—of establishing some definite and equitable bargain on the subject of agricultural improvements—may be, and will be, attained in many different forms of contract—many of them quite as good, some of them, perhaps, greatly better, than the one you have suggested, and I see no reason whatever for confining the advantages of your cheap machinery to the particular form of bargain you have embodied in this Bill. Again, the same question arises in a still more important matter when we find that this Bill contemplates the same restriction on the new powers it proposes to confer on limited owners. This is a matter, clearly, on which law can operate with effect; one which is, beyond all question, within the legitimate province of legislation. I am disposed to think that, in all our legislation hitherto, we have been too careful of the interests of the “Remainder-man,” and too little careful of the interests of the existing holders of estates, and of their tenants. And if, as I believe, they will make, and ought to be free to make, other contracts quite as good as, or better, than that which you have drawn up, there is no sense or reason in so confining the powers which you are to give to limited owners that they shall

not enjoy the benefits of the Act unless they adopt your particular form of contract. Again, then, I say that if this be in any respect a principle of the Bill, I do not assent to it in agreeing to pass the second reading. Lastly, my Lords, we come to the declaration in the Bill, that although one particular contract is suggested and recommended, it is not to be enforced; but owners and occupiers are to be free to make what bargains their mutual interests may dictate, whenever these are deliberately entered into and recorded. Of course, on this point the question has been raised whether if you recommend you ought not also to enforce—whether you ought not to compel owners and occupiers, whose relation you have declared to be one of contract, to make this particular contract whether they approve of it or not? My Lords, on this question I must at once declare that I think the Government are right in stopping short when they have established a change in those presumptions of the law which hold good in the absence of special contracts, and that any attempt at compulsion in such matters would be wrong in principle, and must be futile in practice. And yet, even in this matter, I cannot approve unreservedly of the Bill as it now stands. On the contrary, it appears to me that if it had been the aim of the promoters of the Bill to put freedom of contract in the form most obnoxious to popular prejudice, and most injurious to all concerned, they could not have devised a better form for the purpose than that which they have chosen; because it is a form which compels every owner to put himself in the invidious position of appearing to desire to evade the intentions of the Legislature, when in reality he may wish nothing more than to fulfil those intentions—or may have already done so—only in another and in a better way. But I will not dwell on this, because I cannot but believe that my noble Friend opposite will listen in Committee to any well-founded arguments against the particular form in which he has sought to give effect to the principle of free contract; and I will now, therefore, with the permission of the House, state rather more fully than has been done hitherto in this debate the grounds upon which, as it appears to me, it would be both wrong and useless to attempt compulsion in the matter

of bargain or contract between the owner and occupier of land. Although this may not be the question raised seriously here, it is the question raised by many out-of-doors, and I think it well to discuss it carefully and respectfully to those whose opinions, or at least whose first impressions in favour of compulsion, are not much represented in this House.

My Lords, I hope your Lordships will not suppose that I am going to do anything so foolish as to waste the time of this House in discussing the abstract right of the State to do this, that, or the other. Such a question is more fit for a debating society, or a young man's club, than for either House of Parliament. I know of no abstract limitation on the ultimate right of the supreme power of the State in respect to legislation. I hold that even the right of religious liberty—perhaps the most sacred of all—cannot be affirmed without certain limitations; and it is really the idlest of all questions what, under supposed conditions, Parliament has or has not the right to do. Only this I will venture to lay down as a principle, or a practical rule never to be forgotten—that as individual freedom is the foundation of all liberty, a heavy—the very heaviest—burden of proof lies on all those who propose any new restraints upon it. Nothing short of the very strongest arguments of necessity ought to obtain a hearing in favour of such proposals, and the highest presumption must always be held against them.

I turn, therefore, my Lords, at once from the abstract question to those practical considerations which must really determine the action of Parliament in all such matters. I begin, then, by at once making two admissions to the advocates of compulsion. The first is, that the sort of contract which is suggested in this Bill in respect to improvements is equitable in its principle. I say the “sort of contract,” because I do not admit it to be the only good or the only equitable form of contract, or even in all cases the best. I mean simply that when a tenant not under lease, but sitting without other security of tenure than a yearly holding, and paying a full rent, executes improvements which add to the letting value, and is deprived of that holding before he has had time to recover by increased

profits the cost of his outlay, that tenant ought to be compensated by the owner. I say I admit at once that this is only equitable. And the second admission I make is this—that the public have some interest in this equity being observed in the contracts between owners and occupiers of land. Now, my Lords, I know that there are many persons who will say, and who do say, that, these two admissions being made, the question is settled in favour of compulsory legislation. I never hear this conclusion urged—upon this ground alone—without wondering whether the method and the habits of political reasoning are not in as rude a condition as British agriculture is by some supposed to be. The public has an interest in equitable contracts being made in every trade and occupation whatever. The public has a deep interest in the equitable adjustment, for example, of such disputes as those now leading to disastrous results in South Wales. But it does not in the least follow that Parliament should interfere to enforce such adjustment. But, without going into the innumerable cases of the same kind which are connected with the relations between employer and employed, let me illustrate the question by reference to the public interest in the progress of agriculture. Those who have read the evidence taken before various Parliamentary Committees during the last 30 years know the quantity of that evidence which goes to prove that nothing so much hinders the progress of agriculture as the want of capital, and the want of knowledge among the occupying or cultivating class itself. The public has the deepest interest in these evils being remedied. But does it, therefore, follow that it would be wise or just to pass an Act of Parliament requiring, for example, that no farmer should hold land who cannot show that he has capital to the amount of, say £5 per acre? My noble Friend behind me (the Earl of Kimberley) says that this is far too little. Well, say £10 an acre. Are we compelled even to consider the expediency of such a law because we admit, as we may most fully do, that there would be a great increase of productive power if the poorer class of tenantry were replaced by a class of capitalists? And in like manner with regard to ignorance of even the rudiments of scientific agriculture, the public

has a direct and immediate interest in the occupying class having greater intelligence and knowledge. There is at hand a popular and ready machinery—much admired by many—that of competitive examination. I have no doubt whatever that immense public benefit would arise if every farmer were required to have at least a certain minimum of knowledge in the art of agriculture. But does it therefore follow that it would be either just or possible to enact by law that no man should be allowed to take an agricultural holding who could not secure a certain number of marks in an examination before the Civil Service Commissioners? I need say no more, surely, on this head—that the two admissions I have made, the one that this sort of contract is equitable, the other that there is a public interest involved in the prevalence of some such bargain, do not in the least compel us to the conclusion that we should resort to compulsory legislation. I submit that something much more specific in the way of argument is required if this conclusion is to be established. But then it is further urged that Parliament has already interfered with the freedom of contract in other cases, and it is only adding one more case to a long and increasing list of compulsory enactments. In answer to this I might stand, in the first place, upon the principle that the burden of proof lies absolutely on those who propose any and every new restriction of personal freedom. But if the appeal be made to experience, and to the analogy and course of legislation in recent times, and if it could be shown that it would really be according to that analogy to impose by law this particular bargain upon owners and occupiers of the soil, I should be disposed to admit that it would be *prima facie* a ground for favourable consideration. But to this test I am not unwilling to appeal, and I think I can show to your Lordships that the teachings and experience, and the presumptions of analogy, are all against, and not in favour of the proposed compulsory legislation.

My Lords, I suppose there never has been in the history of the world a people or a Parliament so little governed by theoretical and abstract considerations as the people and Parliament of this country. They hardly ever legislate on any abstract principle whatever. It may

be said with truth that they always legislate by rule of thumb—moving on in the paths of political progress as occasion and necessity may require. Is there some ancient liberty which has been found to lead to intolerable evil?—it is restrained. Is there, on the other hand, some restraint which has been found to be needless or injurious?—then freedom is restored. And so the Parliaments of this country have proceeded from time to time, never asking themselves any theoretical questions whatever as to what is and what is not the legitimate province of legislation. But although they have been singularly untheoretic, they have been endowed in the highest degree with the noble gifts of political instinct; and it will generally be found that some principle can be traced in what they do after it has been done—just as the unconscious growths of language are found to have arisen according to those mysterious laws which govern the development of human speech. Let us, then, look back to the course which legislation has now taken during the course of the last two or three generations, and let us see whether there is not some principle to be traced—and whether that principle is or is not in favour of this kind of interference with individual liberty which is now urged upon us. It is perfectly true that there has been a steady advance of compulsory legislation in one direction; but it is equally true that there has been as steady a retreat of such legislation in another direction. It is quite true that one great province has been more and more invaded; but it is equally true that another great province has been more and more vacated. It is perfectly true that a great number of restrictive laws have been enacted, but, concurrently with this legislation, another great series of restrictive statutes have been one by one repealed. And now, my Lords, I ask, can we trace no principle in this double movement? Can we, in looking back over its course, arrive at no general result in respect to the teachings of experience on the kinds of restraint which it has been found, wise or unwise, to lay on personal liberty? I venture to think that one great principle comes out as clear as day. We have found it wise to repeal all laws whose object it was to regulate the price of anything or to secure the remunera-

tion of any class. First we repealed all laws which attempted to regulate the price of labour, whether with a view to cheapen or to enhance it; then we repealed all laws to regulate the price of manufactures; then all laws to regulate the price of food, or the price of money, or the price of ships, or the remuneration of the various classes who are concerned with the great interests which these laws affected. Now, my Lords, let us observe that the one common element in all these laws was that they all aimed at securing by legislation some purely economic result; and the great principle which lies at the root of their condemnation and abandonment is simply this—that individual men are always in the long run the best judges of their own pecuniary or economic interests, and that the interests of the public and of the State are best served, on the whole, when men are allowed in all such matters to pursue freely their own natural instincts and desires.

And now, my Lords, let us look for a moment, on the other hand, to the character of the restrictive laws which it has been found necessary to enact. We have placed restrictions on the hours of factory labour, because we found that a whole generation was growing up under conditions of the utmost moral and physical degeneration. We have put restrictions on labour in mines for the same reason. We have put other restraints on management of mines for the protection of human health and life. We have restrained individual freedom in the matter of education, to avoid, if it be possible, the dangers of ignorance. We have forbidden under the Truck Acts the payment of wages in kind, in order to prevent fraud and to secure that wages should be really equal in value to their nominal amount. At this very moment we are considering the necessity of further restrictions with a view to the saving of life at sea; and I, for one, honour the exertions of Mr. Plimsoll in a cause which is the cause of humanity and mercy. Now, my Lords, if we look back to this series of laws we shall see at once that one general character belongs to them all. They are all laws aiming at some moral, and not at any purely economic, result. And the great principle which underlies them all is this—that whilst economic benefits and results are not only sufficiently but are best pro-

vided for and secured by leaving men perfectly free, the very intensity and eagerness of this pursuit of wealth often lead them to sacrifice all moral considerations—considerations of health and of life itself; and this to such an extent that it becomes sometimes an absolute necessity to protect these highest interests of all by restrictive laws. This, then, is the double result of our experience as a nation and as a Parliament—that restrictive legislation for the attainment of purely economic ends is not only needless but injurious; and that it is the very power and efficiency of the motives which work for these results which compel us frequently to interfere for moral ends. Need I ask, my Lords, to which great class would belong a law forcing a particular bargain upon the owners and occupiers of land? Are British farmers starving? or are their children growing up a puny and almost imbecile race? So far as I have had occasion to observe, the ample presence and the prosperous outlines which belong to the typical English farmer have, as yet, suffered no serious diminution. The results we are invited to secure are all of the purely economic kind; and I venture to affirm, that so far from the course and analogy of our legislative experience leading in the direction of restraint on individual freedom in this matter, its teachings and its lessons are all condemnatory—loudly condemnatory—of any such attempt. I am not now saying, for a moment, that there can be no possible legislation which is not open to this objection. Changes in the presumptions of law in the absence of contract belong to a wholly different category; and I am not now arguing against the expediency, or even the necessity, of some changes of this kind. I am now arguing exclusively on the question, whether it is wise, or expedient, or legitimate, according to our well-established principles of legislation, to attempt to secure to the occupiers of land certain pecuniary terms in their contract for the hire of farms? And this, I venture to say, belongs to a class of legislation which Parliament has more and more found it wise, and even necessary, to abandon. But here we encounter, my Lords, a special plea—a plea for peculiar and exceptional treatment. In some Papers which have been circulated to hon. Members of the House by Mr.

Howard, the well-known advocate of compulsory legislation in this matter, I find it stated broadly that no freedom of contract really exists in the case of farmers; and the speech of one gentleman is quoted and re-quoted, with much approbation, in which it is said that—“He would be a bold man who would say that there was equal contracting power between an owner and an occupier of land.”

Now, my Lords, I do not wish to come under the condemnation of being a very rash, or even a very bold man, and therefore I will not now make any general assertion on the subject. But perhaps it may be permitted to me to undertake the humbler task of testing, by a little examination in detail, what is the meaning attached to the word freedom in such passages as these—What is the kind of restraint on freedom which is complained of in the case of the farmer? I will, therefore, take two cases, to one or other of which every offer of a farmer for a holding must belong. I will take, first, the case of a farm which is vacant, and which is in the market. For every farm so circumstanced there are generally some four, or five, or six competitors, sometimes many more. Well, we will suppose that one of these farmers says to the owner—“I will give you 30s. an acre for that farm, but on condition only that on the termination of the tenancy you agree to recognize my claim to such and such items of compensation.” To this offer we will suppose that the former replies—“Your offer, I dare say, is a very fair one from your own point of view; but there are five other men, all of whom have offered me the same rent, without those compensations at the end of the tenancy which you demand. This shows that the article I offer is worth the rent you offer, without the conditions you attach; and if those conditions be attached—it is worth more. Will you advance on your offer as to rent? and then I shall be disposed to agree to your other conditions.” The offerer replies, we will farther suppose, that he cannot advance on the rent of 30s. an acre, and that even this rent he will only give on the conditions referred to. Under these circumstances, he does not get the farm, and it is let to another, not subject to the compensation clauses. Now, where is the want of freedom in this transac-

tion, as regards the disappointed offerer? Clearly his want of freedom consists in this—that some five or some dozen other men have the same freedom as he has, and they all consider it consistent with their interests to offer for the farm without the conditions on which he insists. And what is the demand now made on Parliament by the friends of this offerer? It is simply this—"We do not consider this man free so long as these dozen other men are allowed the same freedom. Deprive them of their liberty of contract, and then only will our friend's liberty be secured." Is this a reasonable demand? and, if so, what will farmers say to an agricultural labourer who asks wages far higher than other men are willing to work at? Is this labourer not free to contract unless dozens of other men are in like manner to be deprived of the same liberty? Or when a labouring man goes to buy meat, and only offers 8d. a-pound, what is it that deprives him of his liberty to secure the meat at that price, except this, that hundreds of other people are willing to give 10d. or 1s.? Where is this argument to end which asserts that there is no freedom when the pressure of competition determines economic results?

Then, my Lords, let us look at the other supposed case—that of a farm which is not vacant, but occupied by a tenant who desires to hold under new conditions as to compensation on removal. What prevents him going to his landlord and saying—"I want to hold under new conditions?" What but this—that such new conditions will probably involve a re-valuation? He may very probably have been holding at a rent not revised for many years—possibly even for some generations; and the owner may very fairly say—"I have every reason to believe that scores of men would give the same rent, and even a much higher rent, for this farm, without any new conditions. You already have, in the lowness of your rent, an ample compensation for any improvements you may effect. But if you wish new conditions I have no objection, provided there be a new valuation corresponding to advantages you seek." If the tenant declines these terms, and chooses rather to remain as he is, where, again, is the limitation of his freedom? Does it not consist entirely in this—that he knows he is sitting at a low rent, and

that numbers of other persons would be willing to give as much, or more, on the same conditions? His want of freedom, therefore, in this case also, resolves itself into this—that others are not deprived of their freedom in order to enable him to enforce his own conditions. It is the old story. It is competition that is really complained of; and the demand for compulsion is simply the old demand of legislative protection against those results which are the natural effects of freedom in this as in every other trade. But the public have no interest in restraints being placed on the competition for farms. On the contrary, this competition is one of the essential conditions of an improving agriculture. To restrict competition has been the endeavour of every class and every interest in turn. Each in succession has had its plea for special treatment and exceptional laws. Each class-interest has urged these pleas with the most perfect sincerity and simplicity of heart—"We are a class specially circumstanced. Our industry is exceptionally important to the country." And what, during recent years, has been the reply of Parliament to all such pleas? It has not been any denial of the importance of the classes concerned, or of the importance of their industries to the public interests. On the contrary, it has been substantially this—"We admit your importance. We admit the immense interest we have in the success of your industry. But argument and experience have at last taught us, that both you and your industries will flourish best in the atmosphere and under the stimulus of freedom." And, my Lords, if it be against all principle, and all the analogy of our legislation, to attempt compulsion to attain purely economic results in the trade of farming, it is not less evident that any such attempt must fail. If it is competition, and nothing else, which prevents this desired bargain from becoming general except on advanced terms of rent, the same pressure of competition will prevent any compulsory law from securing to the farmer any pecuniary benefits, wherever these do not rest on the sound basis of intelligent contract, and are not guaranteed by the sense of mutual interest. You cannot prevent competition from determining rent; and whatever artificial statutory conditions you may attach to holdings will be discounted in the form of advanced rents.

Any attempt at compulsion must result in a general re-valuation of farms; and although there is certainly no public interest involved in rents being so low as to dispense with skill, and knowledge, and exertion—although, on the contrary, low rents mean simply bad and lazy farming—I should regard it as a great misfortune that any change of this kind should take place generally, suddenly, and under the antagonisms which must arise out of a desire to escape from the inevitable injustice of compulsory laws upon such a subject.

And here, my Lords, I cannot help asking, what ground of necessity has been laid for asking Parliament to pass a law so exceptional in principle, and sure to be so inconvenient in practice? Is it true that English farmers are, in any appreciable number of cases, suddenly deprived of their farms without compensation for any improvements they may have made? I do not see that even any allegation is made to this effect. No one feels more strongly than I do that tenancies at will, or yearly tenancies, without any written agreement on the subject of compensation in the event of removal, is the most unwise and unsatisfactory footing on which agricultural holdings can be placed. But it is a great mistake to suppose that under this system—bad and slovenly though it be—tenants do not generally enjoy a large, often a very large, pecuniary compensation in the shape of comparative lowness of rent. They may hardly be conscious of it; and, indeed, this is one of the greatest evils of the system. But where farms are rarely re-valued, and rents run on from year to year, and sometimes from generation to generation, those rents are almost always far below the market value. It is curious that the only specific case which is quoted by Mr. Howard as tending to show the necessity of legislation, confirms this fact in a remarkable degree. It is in the case of an estate which Mr. Howard tells us “belonged to a noble family, upon which the tenants had dwelt securely, but which came into the market and was bought by the Crown: even under the Crown the tenants were not safe; they had been paying the average rent of the neighbourhood, but had to submit to an enormous rise of rent, or to break up their homes and go.” Now what does this case prove, except that

the tenants of this estate had been holding—how long I know not—at a rent “enormously” below the market rate; or in other words, that they had been enjoying in this form of a low preference rent an “enormous” compensation for whatever other disadvantages may have attached to their position? The allegation that the rents were equal to the average of the neighbourhood may be quite true, but this only proves that a very low rate of rent generally prevails wherever this system of tenure obtains, and farmers must remember that they cannot enjoy compensation in both ways—both in lowness of rent, and also in capital sums paid to them on termination of the tenancy. In this case the Crown, acting in the interests of the public, appears to have found that the tenants on this estate had been holding at rents “enormously” below those which other farmers were willing to give. And it must never be forgotten that this is the only test of value in farms, as in everything else. Rents, indeed, ought not to be regulated by the reckless acceptance of whatever sum anybody may promise to give; but they must—and in the public interests, they ought to be—ultimately regulated by what good and solvent men may be able and willing to pay; and this case quoted by Mr. Howard is an indication of what I believe to be the truth, that when there are no agreements for compensation, or no written contracts at all, farms in England are constantly and habitually let much below the market value; so that the tenants are, in fact, enjoying considerable annuities over and above the rate of profit on cultivation which would be sufficient to attract competent men. I have myself known of cases where, on the test of competition being applied, it was found that the tenants had been sitting at rents 50, 60, and even 70 per cent below the market value. These may be extreme cases; but the general prevalence of low rents in districts where there are no agreements is certain. And if this be true, and in exact proportion as it is true, the tenants are already in full enjoyment of compensation for any improvements they ever make—greater, probably far greater, than they could ever claim under any compulsory legislation.

Again, my Lords, I guard myself against saying that I look on this as a

satisfactory system. Very far from it. But this brings me to another point of great importance. Legislation is urged upon us because it is alleged that "customs"—legal customs—protective of the tenant's interests, like those of Lincolnshire, are not extending. We are told that now it is some 30 years since Mr. Pusey's Committee sat, and that very little progress has been made in the spread of legal "customs." Even this does not appear to be strictly true. But if it were true it would be irrelevant. For the really important question is not whether these "customs" have extended, but whether reasonable private contracts have extended. "Customs" at the very best are nothing but bad and cumbrous substitutes for special contracts. They are always tending to abuse, always liable to become more and more onerous to incoming tenants, until in some counties they have become a serious obstruction to agriculture. The evidence on this head is conclusive. Nothing can be more mischievous than that farmers should be set to think, not how they can profit by good and careful husbandry, but how they can profit by making up a heavy book against those who are to succeed them. And even the best customs, such as that of Lincolnshire, are necessarily changing from time to time, as experience teaches, and as it requires modification of the rules. Moreover, it is the greatest mistake to suppose that even in Lincolnshire the custom has been the cause of the improvement of the county. On the contrary, it was the improvement of the county that gave rise to the custom. It arose simply from the example of a wise and successful private contract, which gave rise to others, and so gradually spread over that and some adjoining districts. But private contracts written and recorded are in all cases better than such customs, which are nothing but contracts erected on the vague basis of presumption. Other counties have improved quite as much without any such custom. Therefore I contend, that the non-extension of legal customs is of no consequence whatever, if it be true that private contracts have been, and are now, extending rapidly. Yet, strange to say, in the First Report of the Committee of the Central Chamber of Agriculture, I find that they have confined their inquiry to the extension of "customs," excluding

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altogether the far more important question of the extension of special contracts having the same end in view. Now, my Lords, I will venture to say that, without inquiry into this, the other inquiry is of very little value. "Customs" may not be extending, for the very reason that special contracts of a much better kind are being everywhere adopted. I have been lately making some inquiry into this point, and the result is, that from personal knowledge I can affirm that special contracts in respect to compensation for improvements are being adopted rapidly over numerous English counties. I have lately seen several of these contracts—and some of them have been drawn up within the last two or three years as nearly as possible in the very terms recommended by local Chambers of Agriculture. I do not say they are all perfect; but I do say, that the very worst of them are better than any general Parliamentary contract you can possibly impose. They will, and they ought to, vary with local circumstances—with the growing intelligence on the subject, both of owners and of occupiers of the soil. There is no root of bitterness in the relations between landlord and tenant in England—nothing to prevent those changes from taking place by mutual agreement in the forms of contract and of tenure which I heartily believe are often much required in the interests of both. But the worst lesson you could teach to the occupying class, is to lead them to believe that Parliament either can, or ought to, make their bargains for them.

For these reasons, my Lords, and for others with which I shall not now trouble the House, I hold that whatever legislative changes are made should be confined to changes simply in the presumption of the law, and that no attempt should be made to interfere with that complete freedom of contract which is the very breath of life in this, not less than in all other, industrial pursuits.

LORD WAVENEY supported the Bill, maintaining that a tenant was fairly entitled to compensation for any outlay he might have expended on his holding.

THE MARQUESS OF BATH said, that what the farmers or their friends demanded was not in itself unjust or immoderate, but he believed that in reality they possessed it already. He was not disposed to object to the general tone of

the measure introduced by his noble Friend; but he was disposed to think that Her Majesty's Government had not sufficiently considered the difficulties which were innate in the subject. It seemed almost as if the Government had patched up a Bill anyhow from the several measures which had of late years been laid before Parliament and simply flung it upon the Table of the House; but he thought it would be found an extremely difficult measure to work. The Bill, which professed merely to deal with the relations between landlords and tenants, would, in fact, materially alter, if it would not absolutely destroy, the present law with respect to settled estates in this country. The 4th clause defined the word "landlord," as used in the Bill, as meaning "the person entitled to possession of land subject to a contract of tenancy, or entitled to receipt of rent reserved by a contract of tenancy whatever be the extent of his interest." This would include all persons sub-letting to under-tenants land which they held on lease, and would empower such persons to make charges upon such sub-let holdings in respect of compensation due, which charges could be made to extend over—say 20 years, notwithstanding the fact that the leases under which they held from the original owner had not more than a tenth part of that time to run. The noble Marquess proceeded to comment on some provisions of the Bill; and was understood to object to the clause providing that the landlord on paying to the tenant the amount of compensation found due to him under the Act might obtain a change on the holding in respect thereof; that in the case of limited owners it opened a door to collusion between the owner and tenant. With regard to the clauses relating to procedure in respect of claims for compensation—the Bill provided that where the parties did not agree upon the amount of compensation, the difference should be settled by a reference to a single referee or to two referees with an arbitrator, with a final appeal in cases over £50 to the Judge of the County Court, he thought an appeal to the Inclosure Commissioners or perhaps to a Superior Court, would be preferable. Although he thought these arbitration clauses might give rise to difficulties they did not extend beyond what might

be amended in Committee; and as he approved of the general principles of the Bill he should give it his support.

EARL GRANVILLE: My Lords, one point which has been brought out by the debate is that all the speakers with the exception of a noble Marquess (the Marquess of Huntly) have been in favour of freedom of contract: another is, that while the Government have been greatly complimented for having introduced the Bill, the clauses of it have been generally condemned. For myself, I am willing to give the Government credit for the best possible intentions in the matter; but I own I do not think they have acted wisely in bringing the present Bill before your Lordships at all. My Lords, the Government have been credited by the country with being a Government specially called upon to introduce, and with being in a most favourable position for passing, important questions of social reform—and they seem to have had that opinion of themselves, to judge from the very large group of Bills which they have either presented or promised. Their Bills appear to us to be all somewhat of one character. I do not know whether your Lordships have ever observed in the streets little boys carrying bunches of small balloons brightly and variously coloured, and looking light and graceful. I believe these balloons can be had for a penny a-piece, and that you can buy a whole bundle on very much reduced terms. They are very fine to look at, and their lightness makes them float easily; but when you come to examine them closely, you will find they have absolutely nothing in them. That, I believe, is the character of most of the measures which the Government have introduced. They deal with interesting subjects; they have very attractive titles; and when you examine them, either they have nothing at all in them, or they contain clauses by which no one need be bound. This description I think applies to the present Bill. The noble Duke (the Duke of Richmond) grounded its introduction on two principles—first, that it would increase the producing power of the country of food for the people; and second, that it would meet the grievances of tenant-farmers, and place them in the position to obtain any compensation to which they might in equity be entitled. Upon the first point

I confess I am not competent to give an opinion whether the noble Earl's (the Earl of Derby's) dictum that the produce might be doubled is accurate or not, but I do not see how the present Bill can materially affect that increase. With regard to the second, I may say I have communicated with a good many landlords, both strong Liberals and strong Conservatives—all of them, I believe, wealthy, and all liberal in their dealings with their tenants—and with the result that this principle would seem to fail, for not one of them has told me that he intended to leave himself under the operation of the Bill. I will go so far as to say I have a very strong suspicion that the great majority of the landowners in your Lordships' House will follow the same course. Now, if this course be adopted by the wealthiest and most enlightened landlords of this country, how can you expect that the pauper landlords—the greedy landlords—those whose conduct furnishes the only ground for legislation of this sort—will leave themselves under the operation of this Bill? Without compulsion it is impossible for the Bill to have any effect. I cannot make out that in any case it would cause a large increase in the production of food; and, as regards the grievances it is intended to remedy, I have a very shrewd belief that the great majority of tenant-farmers do not care about it at all. I believe that, although some of them are discontented with the present state of things, they think it better for themselves, on the whole, not to screw up their relations with their landlords too tightly. Those who are contented with their landlords will not trouble themselves about the Bill; while those who have grievances, those who would make demands for compensation, would regard it as the merest mockery that ever was offered them. In giving a "presumption of law" as between landlord and tenant, the Bill may be useful; but that is the sole argument which can be urged in its favour, and I doubt very much whether this will prove of any value in the circumstances which I have described. The Bill, therefore, will fail in its two main principles. I believe, then, that the Government have acted unwisely in stirring up this question at all at the present time, and then in introducing a Bill which will prove inoperative. In my observations I have carefully ab-

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stained from going into matters of detail, because there is a unanimous agreement that the Bill should pass the second reading, and an opportunity will be afforded for fully discussing the various clauses in Committee.

THE DUKE OF RICHMOND: My Lords, I confess I felt some commiseration for my noble Friend (Earl Granville) when he approached that portion of the Bill which deals with the very important subject of freedom of contract; because he must have felt—and I think his remarks showed clearly that he did feel—the impossibility of answering the very cogent arguments urged by the noble Duke at his side (the Duke of Argyll) in its favour. My noble Friend, as he frequently does, addressed us in a most agreeable and pleasant manner, and likened some of the measures which the Government have brought in to those balloons which we see carried about the streets. This, I must say, seems a little premature, seeing that most of the measures alluded to have been introduced in the House of Commons, and have not yet come before us; and I venture to suggest that, until they do, we are not so competent to say what is inside of them as my noble Friend appears to think himself to be. The simile which my noble Friend has employed seems to be a favourite one on his side of the House. If I mistake not, your Lordships have been described by an eminent statesman as being "up in a balloon." It seems to me there must be something very fascinating to noble Lords opposite in that simile of a balloon. My noble Friend went on to say that I had stated, in the speech with which I introduced the Bill, that the two principles which had guided the Government in introducing the measure were, first, to increase the food-producing power of the country; and, secondly, that I expressed my belief that unless the tenant had security for the capital which he invested in the soil we could not expect our resources to increase to a very great extent. Now, my Lords, I adhere to every one of the statements to which the noble Earl has referred. It is, of course, a question of degree as to how far a measure of this kind will affect the object; but I lay down, without fear of contradiction, the principle that the greater the security which a tenant has for the money which

he has expended on his farm, the more likely will he be to extract from that farm the greatest possible amount of produce. My noble Friend went on to argue that the Bill was really of no use without compulsion. On that point I entirely differ from him. He also made another assertion, from which I equally dissent. He said that the great majority of the landlords of this country would not allow themselves to be brought within the purview of the Bill, and that therefore, so far as they were concerned, it would be useless. I believe the exact contrary will be found to be the case. I am of opinion that if the Bill be a good one, if the compensation proposed to be given for unexhausted improvements is based on the fair and sound principle on which it is in this measure, then both the landlords and tenants of the country will be very glad to be brought within its operation. I will give my noble Friend an example of what I mean. We are told by those who are acquainted with the custom which prevails in Lincolnshire that it is one of the best which could be devised specially for that part of the country. We find, accordingly, that this custom meets with the general approval of both the owners and occupiers of land. But the custom was one which existed not by the intervention of Parliament, but simply because it was believed by both landlord and tenant to be good. The interference of the Legislature was not, therefore, required. And so it will be with regard to this Bill if the manner in which it deals with unexhausted improvements and the relations between the owners and occupiers of the soil are just, as in the case of the Lincolnshire custom. Then the owner and occupier having regard to their own interests will come within its operation—and that, I believe, will occur in the great bulk of instances. If the Bill is a good one, both parties will come under it, and if it be a bad one you have no right to pass it. If you look upon it as not, perhaps, bad altogether, but unjust in some of its details, then I will merely observe that no one will be entitled to compel a man to come under its provisions. My noble Friend then went on to say that it was unwise of the Government to stir up the question. My noble Friend seems to have a great knowledge of all agricultural pursuits, and I should like

to know from him whether, if the Government had introduced no measure on this question, he would have said nothing on the adoption of such a course? This subject was brought under the consideration of the House of Commons two or three years ago. On this point, I may add, I must join issue with the noble Marquess who spoke early in the evening (the Marquess of Huntly). I beg to assure him that it was not in consequence of the noble Marquess's "attempt at legislation" towards the close of last Session that we took up the question. A Resolution on the subject had been proposed in the other House. It was opposed by the Government, and the Prime Minister said that the Government would look into the matter, and, if possible, come forward next Session with some measure dealing with it, seeing that it agitated so much the minds of the agriculturists throughout the country. It was in consequence of that statement, and not of my noble Friend's attempt at legislation, that the present measure was introduced. My noble Friend does not, perhaps, read the agricultural papers, but if he did he would find that the subject is one which has been discussed by almost every Agricultural Chamber during the last 18 months. The Government, therefore, I contend, could not have allowed the Session to pass over without taking some action on the question one way or the other, and they were, under these circumstances, of opinion that by introducing a Bill themselves they would be dealing with it in a more satisfactory manner than if they were to wait until a Bill had been brought in by some independent Member of either House, with the inevitable result that it would ultimately fall into the hands of the Government, who would then have to carry through Parliament provisions for which they were in no way originally responsible, and in which, probably, it would be necessary to make alterations which would be attended with a great degree of trouble. As to the provisions of the present measure I can assure the noble Marquess behind me (the Marquess of Bath) that he is in error as to the mode in which they have been prepared. The Government have given the subject the greatest consideration and have observed in dealing with it the utmost caution. He also says that we have picked out

the Bill from somewhere—whence he did not distinctly indicate—and have flung it on the Table to be considered by your Lordships. But if the noble Marquess had been in the House when I moved the first reading he would be aware that I endeavoured to state the details of the measure as fully as was in my power. I must also notice some other observations which fell from the noble Marquess. He says the limited owner can enter into collusion with his tenant under that clause of the Bill which enables him to put up permanent and expensive buildings, and then under the Bill raise money and charge the estate with the money so expended. I beg, however, to assure my noble Friend that nothing of the kind can be done under this measure. In the first place, if a tenant puts up a building with the consent of the landlord, then when he goes out the compensation to be awarded him is to be paid by the landlord in hard cash out of his pocket, and then only will he be able to get the money made a charge on the estate. There can, therefore, be no possible collusion. Besides, I do not think that it ought to go forth to the country that landlords and tenants are likely to combine together in so very doubtful a proceeding as that to which the noble Marquess has called attention. The noble Marquess next seems to be very much alarmed at the idea of the appeal being made to the County Court Judge, and to prefer the Inclosure Commissioners. Now, I have the greatest respect for the Inclosure Commissioners, but I venture to suggest that the County Court Judge would be likely to have more experience of the locality in which he was living. Then the noble Marquess made some remarks about the appeal to the Judge from a referee appointed by himself. The noble Marquess loses sight of the fact that when the County Court Judge is asked to appoint an umpire he will do so without inquiry as to the facts to be brought before the umpire. All he will have to do will be, with the advantage of a knowledge of the people in the locality, to select an impartial and competent man. I will now touch one or two remarks made by the noble Duke opposite (the Duke of Somerset)—and in regard not only to them but to other remarks that have been made I wish to say that it will be my duty to consider them carefully, not

with the view of objecting to them, but for the purpose of making the measure as satisfactory as possible. There is some force in the criticism of the noble Duke as to the importance of requiring that notice should be given to the landlord of an improvement for which it is intended to claim compensation, and I think that a provision in accordance with that suggestion may with advantage be inserted in the Bill. In regard to other observations of the noble Duke, I would say that I think it has not been sufficiently borne in mind that the key-note of the Bill is the principle that the improvement for which the tenant seeks compensation must be an improvement which has added to the letting value of the holding. Clause 14, which deals with what is called “compensation for waste,” has been condemned as an unfair clause framed too much in the interest of the landlords. I may say with regard to it that it was borrowed from a measure framed by the Chambers of Agriculture, and therefore has the approval of that body. A difference between the provisions as to waste and those as to improvements was also commented on; but it must be borne in mind that you can define an improvement, but cannot define a waste. With regard to the classes of improvements specified in the Bill, we were desirous, on the one hand, not to restrict them to too small a number, and, on the other hand, not to include a great variety of minor improvements; and we believe that what we have put down will really meet the requirements of the case. As to the principle of freedom of contract, about which something has been said, I will content myself with declaring on behalf of the Government that we hold that principle to be one of paramount importance. I would never have put my hand to the measure if I had thought it interfered with that freedom; and if a provision interfering with it should be inserted by this House or “elsewhere,” it will be tantamount to throwing out the Bill, for I, for one, would not be a party to any such measure. In the provisions as they stand, there is, I believe, no such interference. As to Clause 38, I intend to propose in Committee that it be struck out, and that the following be inserted in its place:—

“This Act, in the absence of or subject to any contract in writing between the landlord

and tenant, shall apply to all contracts of tenancy taking effect after the commencement of this Act."

"For the purposes of this section, a contract of tenancy from year to year, current at the commencement of this Act, shall be deemed to take effect from and after the end of the first year of tenancy begun and completed after the commencement of this Act."

"Except as aforesaid, this Act shall not apply to any contract of tenancy current at the commencement of this Act."

The Act will come into operation on the 1st of January, 1876. The end of the first year of tenancy began and completed after the commencement of the Act will, in the case of Lady Day entries, be Lady Day, 1877, and in the case of Michaelmas entries, Michaelmas, 1877; and therefore in cases where, at Lady Day or Michaelmas, 1877, there is no contract in writing between the landlord and the tenant, the Act will begin to apply. There would thus be ample time given to persons interested to study the provisions of the measure. I am speaking now of year-to-year holdings—not of leases. What I have indicated will, I think, be a satisfactory way of dealing with the matter, and it seems to me that with such a provision all parties would, so to speak, slide easily into the operation of the measure. It was the intention and desire of Her Majesty's Government that the Bill should become law this Session. I hope that your Lordships will be able to agree to the details in Committee, and that the Bill will be sent down in time for the House of Commons to pass it into law this Session if they think fit to do so. I can conceive nothing more unsatisfactory than that a question of this sort, which touches the relations between landlord and tenant, should remain open and in a state of uncertainty.

LORD STANLEY OF ALDERLEY desired to make some remarks in support of the Bill on political grounds. It could not be said that this Bill was necessary on agricultural grounds, for, on the one hand, the greater part of England was governed by customs of the country, fulfilling all the objects of this Bill—customs which were gradually extending themselves to those places which did not yet possess them; and, on the other hand, the Bill was unnecessary on the noble Duke's own showing, since, as he said on the first reading, the small holders did not require it, because they

had no money to lay out on what were called improvements; and the larger tenants, who had money to lay out, were perfectly well able to protect themselves by covenants and leases. It must, however, be admitted that this Bill had become necessary on political grounds, and in order to meet a factitious demand, caused by the agitation of a mixed body, composed of enthusiasts, sciolists, vendors of artificial manures, essayists, and political speculators. The greater part of these writers had more acquaintance with the theory than with the practice of farming; but it was not possible to blame them, when it was remembered that the principal impulse had been given to this school by a leading Member of Her Majesty's Government, who laying aside, or deserted, by his habitual caution, stated *ex cathedra* that the produce of England might be doubled by better farming. Now, when it was remembered that the agricultural produce of England was higher than that of any country on the Continent of Europe, it might be assumed that if the noble Earl (the Earl of Derby) had been speaking of Foreign instead of Home Affairs, he would have been careful to state that the produce of England might be quadrupled or quintupled, so as to make it more abundantly clear that he was merely making things pleasant for his Lancashire entertainers; and it might be safely asserted that outside of the Island of Laputa there was no place except the towns of Lancashire where it would be believed that a farmer could obtain any quantity of produce by any amount of reckless expenditure, or that the moderate increase of yield which might be obtained by high farming could be indefinitely sustained, without the soil being exhausted, since it was impossible to force nature. The aims and objects of that portion of the agitators for high farming enforced by legislation were entirely opposed to the interests of the small holders, and to the aims of the political advocates of legislative interference with farming, since they would have the effect of driving out all the small holders. The enemies of the landed interest, who just now, for the purposes of this Bill, affected an earnest desire for increase of production of food, were very inconsistent; for they were the same men who prevented the Government from taking efficient pre-

cautions to prevent the entrance of diseased cattle into the country, and the contamination of the herds of the country, which they hastened to say were of small importance as compared with the quantity of imported cattle. In the same way, and owing to the outcry which would be raised by these same men, however great might be the danger to be apprehended from the Colorado beetle, Her Majesty's Government would not venture to prohibit the importation of American potatoes, even though all the potatoes of this country should be lost by their not doing so. The objection which had been made in some quarters to this Bill, because it was not compulsory, was based on theory only, and made in ignorance of the facts of the case. In the first place, it would be unnecessary to substitute the provisions of this Bill for the various customs of the country, each best suited for its own district, and which need not be abolished for the sake of uniformity; and, secondly, the hardship of allowing a landlord to notify that he would not abide by this Bill was a purely imaginary hardship, since after it had become law it would be impossible for any landlord to refuse the provisions of this Bill, unless some equivalent custom already existed, or unless he was prepared to offer his tenant some equivalent arrangement. With regard to the clauses of the Bill which provided for compensation to be paid by a tenant for deterioration of the farm, he regarded all such provisions as entirely valueless and illusory, except, possibly, as a set-off against tenants who, besides ruining their farms and themselves, might be tempted by this Bill to claim compensation for doing so. As the noble Duke was not of this opinion, he hoped he would give their Lordships some information on this point derived from his personal experience. According to his own experience and that of all his acquaintances, when a tenant got in a bad way a landlord was fortunate if he got rid of him, even at a loss, and he did not believe that these provisions of the Bill would be of much use south of the Tweed. With regard to the objections to the clauses extending the powers of limited owners, made by the noble Marquess (the Marquess of Bath), he disagreed with them entirely, and it seemed to him that anyone who heard that noble Marquess' speech would suppose that he was a believer in the

Lord Stanley of Alderley

doctrine of metempsychosis, and expected to return to this world as his own remainderman.

Motion agreed to ; Bill read 2^d accordingly, and committed to a Committee of the Whole House, on Thursday next.

COUNTY COURTS BILL [H.L.]

A Bill to amend the Acts relating to the County Courts—Was *presented* by The LORD CHANCELLOR; read 1^a. (No. 57.)

House adjourned at half past Nine o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 15th April, 1875.

MINUTES.]—WAYS AND MEANS—*considered in Committee.*

PUBLIC BILLS—*Ordered—First Reading—Metaliferous Mines* * [120]; *Falsification of Accounts* * [121].

SELECT COMMITTEE ON FOREIGN [LOANS—LETTER OF M. HERRAN.

NOTICE OF MOTION.

MR. DISRAELI: I wish to give Notice, that on the Order of the Day to-morrow I shall move this Resolution—

"It having been stated in 'The Times' and 'Daily News' newspapers of the 9th instant, referred to in the Order of the House of the 13th instant, that a letter, professing to be written by M. Victor Herran, Honduras Minister in Paris, and addressed to the Right honorable Robert Lowe, Chairman of the Committee on Foreign Loans, was read and made part of the proceedings before the Select Committee on Foreign Loans on the 8th instant, that it be referred to the said Committee to report to the House whether such letter was produced and read before the said Committee and under what circumstances, and whether any copy of the said letter was communicated by or on behalf of the said Committee to the said newspapers or either of them."

DOMINION OF CANADA—NEWFOUND- LAND.—QUESTION.

MR. W. JOHNSTON asked the Under Secretary of State for the Colonies, Whether any negotiations are, or have been, in progress for the admission of Newfoundland into the Dominion of Canada, in accordance with provision

made in "The British North America Act, 1867?"

MR. J. LOWTHER: Since 1869, when proposals for the admission of Newfoundland into the Dominion failed to obtain the sanction of the constituencies of that island, no fresh negotiations have been entered into. The question is, of course, one of undiminished interest to Her Majesty's Government, and to the Governments of the Dominion, and of the colony concerned; but it is understood that public feeling in Newfoundland is not at present distinctly expressed in favour of this step.

VALUATION BILL—TITHE ASSESSMENT.—QUESTION.

SIR EDWARD WATKIN asked the President of the Local Government Board, If the Government propose to introduce in this Session a Valuation Bill; and, if so, whether, in the assessment of tithe, not the property of laymen, an allowance will be made by way of deduction from the gross assessable value for the outlay incurred in the employment of curates?

MR. SCLATER-BOOTH: I prepared a Valuation Bill in the Recess, and should be happy to introduce it, if there appeared any reasonable probability that it could be passed into law within the present Session. It would not be convenient that I should state by anticipation any of its provisions; but I may say that the subject of the hon. Gentleman's inquiry was fully considered in framing the measure.

IMPORTATION OF FOREIGN ANIMALS—THE REGULATIONS.—QUESTION.

SIR CHARLES W. DILKE asked the President of the Local Government Board, When the regulations framed by the local authority in London under the 37 and 38 Vic. c. 67 will be ready for issue; whether in the regulations as submitted to the Local Government Board for confirmation provision has been made for the temporary detention of animals intended for slaughter; and, whether it would be possible to lay the regulations upon the Table of the House before they are finally confirmed and issued?

MR. SCLATER-BOOTH: I cannot say when these Regulations will be ready for issue. They were submitted

to the Local Government Board some time since, and have been returned to the Metropolitan Board of Works, with certain amendments for their consideration. There was no provision in the Regulations for the temporary detention of animals intended for slaughter; but I am aware that a suggestion to that effect has been submitted. I do not doubt it would be possible to lay the Regulations on the Table, though I think such a course might be inconvenient as a precedent; but my hon. and gallant Friend the Chairman of the Metropolitan Board of Works (Sir James Hogg) which is the local authority in question, would be better able to answer that inquiry.

ARMY—ADJUTANTS OF MILITIA. QUESTION.

MR. WAIT asked the Secretary of State for War, Whether an Adjutant of Militia, who on retiring from the adjutancy has accepted a commission as Major in the regiment, would, on the command of that regiment becoming vacant, be eligible for promotion to that rank and command; or whether, as heretofore, the vacancy would be filled by a half-pay Field Officer from the regular forces; and, whether he would be willing in any cases to commute for cash the pensions to which adjutants may be entitled?

MR. GATHORNE HARDY, in reply, said, the adjutants would be eligible in the same way as lieutenant colonels, and each case would have to be decided on its merits. He had already stated that the Commissioners had already commuted for cash the pensions to which adjutants were entitled, and he had no reason to doubt that they would continue to act on that principle.

FACTORY AND WORKSHOP REGULATION ACTS—THE ROYAL COMMISSION—WOMEN IN FACTORIES.

QUESTION.

MR. WILLIAM HOLMS asked the Secretary of State for the Home Department, Whether, as no reference is made to adult women in the Royal Commission issued to inquire into the working of the Factory and Workshop Regulation Acts, it is intended to exclude their case either from the proposed in-

quiry or from the recommendations to be made by the Commissioners in respect to the alteration and amendment of these Acts; and, if so, will he be good enough to inform the House how he proposes to meet the case of adult women who, under existing Acts, may be employed in bleach-works, print-works, finishing-works, and other branches of industry for sixty (and under certain circumstances for sixty-three) hours per week, while women employed under much more favourable conditions to health in textile factories are restricted to fifty-six hours and a half per week by the Factory Act of 1874?

MR. ASSHETON CROSS, in reply, said, it was not the intention of the Government to control in any way the inquiry of the Royal Commission. Neither was there any wish to impose, as a general rule, any restrictions on the labour of adult persons. But, no doubt, the case of adult women might be made a subject of special provision in special cases. Where the Factory and Workshop Regulation Acts were not in operation, that would be a subject for consideration.

ELEMENTARY EDUCATION ACT, 1870— VOLUNTARY SCHOOLS.—QUESTION.

MR. MUNDELLA asked the Vice President of the Council, Whether he can state to the House the effect of the Education Act of 1870 on voluntary schools, in the following respects: 1. The attendance of scholars; 2. The fees of scholars; 3. The amount of the voluntary contributions; 4. The Government grants?

VISCOUNT SANDON: In reply to the Question of the hon. Gentleman it will, of course, be understood that the only answer I can give will be respecting those voluntary schools which receive a Government grant. Respecting the numerous voluntary schools which do not receive a Government grant, I am not able to give the information required. 1. In 1870 the average attendance in all public elementary schools, which were then all voluntary, was 1,226,034, of which 1,152,389 was in day schools. In 1874 the average attendance in voluntary public elementary schools alone was 1,585,372, of which 1,540,466 was in day schools. 2. The fees paid in 1870 in day and in night schools were

£502,022, or 8s. 8d. per head on the average attendance. In 1874 the fees amounted to £762,184, or 9s. 10d. per head. 3. The voluntary subscriptions to day and night schools in 1870 amounted to £418,839, or to 7s. 3d. per head on the average attendance. In 1874 they amounted to £601,172, or to 7s. 9d. per head. 4. In 1870, before the new Code came into operation, the Government grant to day schools was £562,611, or 9s. 9d. per head on the average attendance. In 1874 the day voluntary schools received under the new Code £956,347, or 12s. 5d. per head. The grant to night schools in 1870 was £24,879, or 6s. 9d. per head. In 1874 it was £17,178, or 7s. 6d. per head. In addition to the Question put on the Paper by the hon. Gentleman, I may add that the night schools in 1870 were 24,000, and in 1874, 17,000.

INDIA — BANDA AND KIRWEE PRIZE MONEY.—QUESTION.

MR. O'SULLIVAN asked the Under Secretary of State for India, Whether there is any portion of the Banda and Kirwee prize money in the hands of the Government; and, if so, will he inform the House when it will be paid to those entitled to it?

LORD GEORGE HAMILTON: A complete account of the prize has not yet been received from India; but it is believed that about £30,000 of that booty is still in the possession of the Government. It is probable that this will not be more than sufficient to meet the outstanding claims arising on the distributions already authorized. It is therefore not likely that any further distribution will be made to those whose authorized claims have been already satisfied.

INDIA—VISIT OF THE PRINCE OF WALES TO INDIA. QUESTION.

MR. HANKEY asked the First Lord of the Treasury, Whether it is intended by the Government, in the event of the Prince of Wales visiting India, to propose to Parliament to make such provision as will enable His Royal Highness to discharge such duties as may be considered befitting his position as the representative of Her Majesty with becoming dignity?

Mr. William Holms

MR. DISRAELI: Mr. Speaker, the hon. Gentleman, in his hypothetical Question, makes an inquiry of a somewhat ambiguous nature. The hon. Gentleman inquires—

“Whether it is intended by the Government, in the event of the Prince of Wales visiting India, to propose to Parliament to make such provision as will enable His Royal Highness to discharge such duties as may be considered befitting his position as the representative of Her Majesty.”

I apprehend that in the event of His Royal Highness visiting India he would not visit it as the representative of Her Majesty. The Viceroy would continue to fulfil the duties which are attendant on that office. But I may say generally to the hon. Gentleman, that in the event of the Prince of Wales visiting India, and in the event of Her Majesty's Government having to make any public communication on the subject, the House of Commons will be the first body in the country to whom that communication will be made.

TWEED FISHERIES ACTS—REPORT OF THE SPECIAL COMMISSIONERS.

QUESTION.

MR. TREVELYAN asked the Secretary of State for the Home Department, Whether his attention has been called to the note appended to the Report of the Special Commission on the Tweed Fisheries Acts, at page 201 of the Index, in which the Commissioners state that—

“They are satisfied that the additional constables engaged in the protection of the river may be supplemented, and, in point of fact, are supplemented, by the county police, who are so far liable to be withdrawn from their special duties;”

whether he has noticed the evidence given before that Commission by the Sheriff Substitute of Roxburghshire, to the effect that “the efficiency of the police is considerably injured” by their employment as water bailiffs; and, whether he is prepared henceforward to permit that members of the regular county police should assist the constables paid from the funds of the Tweed Commissioners in their duties as water bailiffs?

MR. ASSHETON CROSS, in reply, said, his attention had been called to the Report to which his hon. Friend alluded; but he had not yet been able

to give it that attention which it deserved. He might say, however, with respect to the supplementary force for the protection of rivers, that before the presentation of this Report he had been in communication with the Inspectors of Police in England on the subject, and the attention of the Government was directed to it.

WATER SUPPLY.—QUESTION.

SIR GEORGE JENKINSON asked the President of the Local Government Board, Whether, having in view the inadequate supply of water for drinking and other purposes in many towns, rural villages, and districts throughout the Country, Her Majesty's Government are prepared during the present Session with any measure to remedy this evil; and, if not, whether the Government will consent to an inquiry into the subject by a Royal Commission, for the purpose of ascertaining the wants of various rural districts, and the best method of storing water where needed?

MR. SCLATER-BOOTH: I stated very recently, in reply to a Question addressed to me in this House, what new powers and facilities in respect of water supply were proposed to be conferred by the Public Health Bill of this Session. The Government have no further legislation to propose on the subject at present. In reply to my hon. Friend's further Question as to a Royal Commission, the Government have not yet had time for its consideration. In considering it their object would be to adopt such a course as might lead to a practical conclusion with the least delay.

CONTAGIOUS DISEASES (ANIMALS)

ACT, 1869.—QUESTION.

MR. WILBRAHAM EGERTON asked the Vice President of the Privy Council, Whether, in the monthly return published by the Veterinary Department of the Privy Council Office, under section 22 of “The Contagious Diseases (Animals) Act, 1869,”—he would state in addition—(1.) Whether the foreign ports from which the animals are brought are in scheduled or unscheduled countries; (2.) The number of the healthy animals brought in the same vessel with the diseased animals, and the mode in which such healthy animals have been disposed of, whether by slaughter or otherwise?

VISCOUNT SANDON: In answer to my hon. Friend, I beg to say that the matters he has referred to do not come within my Department. I, however, brought the subject before the Lord President, and he has authorized me to say that he will be happy to direct the additions to be made to the monthly Return which my hon. Friend desires, and, if possible, will have them added to that of next month.

INDIA—THE BENGAL FAMINE.

QUESTION.

MR. ANDERSON asked the First Lord of the Treasury, If it is intended to bestow any honours or rewards on any of those who fought the Indian famine for us, or if there is any regulation limiting such honours and rewards to strictly military services?

MR. DISRAELI: The hon. Gentleman apparently assumes in his Question that the honours and rewards conferred by Her Majesty are conferred only for military services; but that is not the case. On the contrary, many honours and rewards have been conferred, even recently, by Her Majesty for services which are strictly civil. There were, I think, three Knights Commanderships of the Bath conferred for Civil services even in this year, besides several Commanderships and Knights Commanderships of the Order of St. Michael and St. George, and many Knighthoods for Civil services, or for distinction in science and otherwise, by which public respect is gained. There have also been some hereditary honours conferred for Civil services; and therefore I do not think the hon. Gentleman right in his assumption that the honours and rewards conferred by Her Majesty are strictly for military services. With respect to the great labours of those who successfully contended with the Indian Famine, I may say it is but very recently that their success has been attained. On all these occasions—I am not now speaking with reference peculiarly to the labours connected with the Indian Famine, but to labours of this character when the conduct is performed in a distant country and the exertions have been shared by many individuals—it is of great importance that the utmost care should be taken that no mistake is committed—that you should not, for instance, reward the wrong

people—a mistake that is sometimes made and not easily remedied. I may also say to the hon. Gentleman that when you are considering such circumstances it should be remembered that all honours, excepting hereditary honours, are with very slight exceptions limited in number. It is not sufficiently known by the country—and, if I might presume to say so, even by the Houses of Parliament—that there is no Order of Knighthood which is not limited in its numbers, and vacancies may not occur for some time. The hon. Gentleman will see, therefore, that there are a great many considerations which have to be taken into account when the distribution of honours or rewards for services of the kind referred to has to be made; and I would say humbly to the hon. Gentleman that, on the whole, considering the difficulties attendant on a satisfactory distribution of such honours and rewards, it is best to leave the exercise of that Prerogative to Her Majesty and her responsible Advisers.

FRANCE—DECLARATION OF PARIS, 1856.—EXPLANATION.

MR. BAILLIE COCHRANE: I have to ask the House to allow me to offer an explanation in respect to the vote taken on the Previous Question, moved by the hon. Member for Oxfordshire (Mr. Cartwright), when I brought under notice the Declaration of Paris, on Tuesday evening. It has been suggested to me that I acted disrespectfully to the House in leaving the House when the Question was about to be put to a division taken upon it. I wish, therefore, to explain that I had stated that I wished to withdraw the Notice I had given, but was not prepared to divide upon the Previous Question, which did not meet the merits of the case. I venture to think that if the division had been taken upon my own Motion, instead of upon the Previous Question, the result would have been very different.

PRIVILEGE—THE QUEEN v. CASTRO— THE PRITTLEWELL PETITION.

SPECIAL REPORT OF THE PUBLIC PETI- TIONS COMMITTEE.

Order for Consideration of Special Report read.

MR. DISRAELI: It becomes my duty to ask the House to consider this

Report of the Committee, and to suggest the course which, on reflection and due investigation of the circumstances, I think it is for the public interest and the honour of the House they should follow. I will not move that the Petition be read at the Table. If hon. Gentlemen wish it, it may be done; but by taking that course, we should really give that stimulus to improper addresses to this House which is obtained by notoriety. I think I can accurately and impartially convey the contents of this Petition to the House without reproducing all those expressions and that tone of feeling which has arrested the attention of our careful Committee on Petitions. Now, Sir, this Petition has one remarkable characteristic. It is really two Petitions in one—that is to say, there are two prayers. Not that there are really two prayers conjointly at the end, but after a certain statement of facts is made, a prayer to the House is introduced; then follows a new statement of facts, and the Petitioners again address a prayer to the House upon that point. It cannot be said to be wholly unconnected with the previous prayer; but still it is a distinct and independent one. The Petition itself is a Petition which impugns the conduct of the three Judges who presided over the Trial at Bar of the convict Orton. It believes that there was not a fair trial; it gives, under three heads, the feeling, or the reasoning, if by courtesy it may be so called, by which the Petitioners have arrived at that conclusion. They state that the three Judges had prejudged the case—that by the expression of their opinion before the trial they had shown that they were hostile to the Claimant or Defendant. In the second place, they state that, in consequence of conducting the trial with this foregone conclusion, witnesses were brow-beaten, the jury prejudiced, and at times coerced; the Defendant's Counsel insulted, and interfered with, so that he could not do his duty to his client; and, thirdly, they declare that the summing-up was dishonest and corrupt, and they impute in some detail corrupt motives throughout to the Judges in this transaction. This part of the Petition concludes with a prayer that this House would address Her Majesty to remove—these three Judges from the Bench. Well, now, so far as we have proceeded, I do

not think this House will have any difficulty as to the course it should adopt. This is not the first Petition in the records of Parliament—of this House—which has been addressed to it, and in which the conduct of the Judges has been impugned. I felt it my duty to search the Journals of the House in order that the House might have information as to precedents at its command; and I think it more convenient and more likely to lead to an earlier completion of the business if I place this information at once as briefly as I can before the House, that the House shall have at once in its possession all the information which will enable it to arrive at the conclusion which I wish to propose that the House shall adopt. The precedents to which I refer commence in the year 1816. On the 8th of May there was a Petition of Mr. Taaffe, complaining that the President of the Court of Session had been guilty of various acts of malversation in the administration of justice. The Motion that the Petition do lie on the Table was negatived. On the 11th of July, 1817, a Petition was offered to be presented complaining of the conduct of Mr. Justice Day. A Motion was made that the Petition should be brought up, but it was, by leave, withdrawn. On the 22nd of December, 1819, a Petition was presented complaining of the conduct of magistrates, and praying for inquiry, and it was rejected. That instance is memorable, because Mr. Huskisson took part in the debate; and he said—

“The House could not think of entertaining and retrying a case which had been already disposed of in a Court of Justice.”—[1 *Hansard*, xli. 1447.]

On the 23rd of February, 1821, there was a Petition of Mr. Thomas Davison, complaining of the conduct of Mr. Justice Best in fining him while he was on his defence. That was offered to be presented. There was a division on the Motion, and the presentation was negatived. It may be said that these instances occurred in somewhat hard times, when there was not that sympathy with popular rights and popular sentiments which, at present, happily exists in this country; but it was necessary I should place them before the House; and the precedents which I will now quote are of sufficiently modern date.

On the 28th of July, 1870, the House was moved—

“That a Petition having been presented to this House upon the 10th day of June last, from certain inhabitants of the city of Waterford, containing grave charges against Baron Hughes, one of the Judges of the Court of Exchequer in Ireland, in respect of his judicial conduct upon the trial of the late Election Petition in that city, and praying for inquiry, and no action having been taken thereon by any Member of this House, order made on the 10th day of June last that the said Petition do lie on the Table might be read; and, the same being read: Ordered that the said Order be discharged;”

and it was further ordered that so much of the Appendix to the Report of the Select Committee on Petitions as contained the Petition should be cancelled. On the 3rd of July, 1874, notice having been taken that a Petition of the Rev. James Thwaytes, rector of Caldbeck, in the county of Cumberland, which was presented on the 22nd of June last, contained imputations on the conduct of certain of the Judges, and also statements affecting the social and legal position of individuals, the Order made on the 22nd of June last “That the Petition do lie on the Table” was read, and discharged, and it was Ordered, “That the Petition, as printed in the Appendix to the Seventeenth Report on Public Petitions, be cancelled, and that the Petition be withdrawn.” These are precedents which completely apply to the present case. I am bound to say for myself, and for my Colleagues—whose advice I have had the advantage of obtaining—that we are not at all inclined to put a strict interpretation upon the language used in the Petitions which complain of the conduct of Judges of the Realm. We should pass over much violent and coarse language if an accusation were distinct and not vague, and if the Member who presented the Petition gave security for its authenticity by announcing to the House that he intended to proceed upon it. The administration of justice—the just administration of the law, I would rather say—is, I believe, one of the sources of the great content which prevails, and has long prevailed, in this country. It is one of those blessings that every Englishman duly feels, and of which he is proud; and I am of opinion that we should not too severely scrutinize the language of Petitions which refer to the conduct of the Judges of the land, and impute to them

an improper and corrupt motive, provided the charges are distinct and not vague, and that the Member who presents these Petitions announces to the House that he intends to take immediate steps to ask the opinion of the House upon the subject. Therefore, so far as this Petition impugns the conduct of the Judges in the particular case concerned, I have nothing further to say, except that if the Gentleman who presented the Petition, who, I believe, is my hon. Friend the Member for the county of Essex (Colonel Makins), announces that he is prepared, having presented that Petition, to ask the opinion of the House upon its contents, I should not, so far as I have gone, oppose the receipt of that Petition. The next point to which I have to call the attention of the House is, in my opinion, of a much more serious character. I refer to the second portion and the second prayer of this Petition. Having concluded their prayer that this House would interfere for the removal of the three Judges, this Petition proceeds to announce that the Petitioners have heard with alarm and surprise that no less a personage than you, Sir, the most eminent Member of this House, had announced that Petitions complaining of unfair trial cannot be received. It is not necessary for me to say that no such opinion was given by you. I am not at all wishing to influence the House in the course I am recommending to them, nor to aggravate the case before us, by showing that it touches so exalted a personage as the right hon. Gentleman who presides over our deliberations, and appealing—as I know I should successfully do—to their conviction that the best feelings and highest interests of this House are involved in maintaining the authority of the Chair. It is certainly not necessary for me to refer at all to this point with the view of ensuring its due influence on our deliberations. Having made the statement that they have heard with astonishment, alarm, and surprise that this expression of opinion has been made by Mr. Speaker, they proceed in a style of invective on the subject, and they end by a prayer that the House of Commons will take measures for the impeachment of Mr. Speaker. I would have the House to observe that in the second part of this Petition there is involved a violation of our most im-

Mr. Disraeli

port and cherished privilege. It is not a question of Breach of Privilege, like that which we may unfortunately have to discuss to-morrow, and in which we are obliged, on the whole, deeming it for the public advantage, to expedite the course of fair play and justice by referring to the obsolete, yet necessary, machinery; but it involves a Breach of the highest Privilege of the Members of this House—namely, that they should not be called in question by persons out of this House for words which they have used in this House. That, indeed, is the only security we have for free discussion and freedom of debate, and that has always been looked upon as the most precious privilege of Members of the House of Commons. They cannot be impugned; they cannot be proceeded against on account of words which are used in this House. Now here is a distinct and gross violation of that Privilege of the House, for the words of a Member of this House, uttered in it, are impugned and threatened by those out of the House, and that in regard to a Member, the most eminent in position, whom the House of Commons are called upon to visit with the penalties of impeachment in consequence of those words. The House will see in a moment—it is not necessary for me to dwell upon it—that if this privilege of free speech is not most rigidly and sacredly guarded in this House, opportunities may be taken by persons of authority and power—whether they be Monarchs or Mobs—the difference would not be great—to crush the freedom of discussion in this House, upon which the liberties of the people and the welfare of this Realm mainly depend. Therefore, as this Petition contains a gross violation of the Privileges of this House by calling into question words used in this House by a Member, I move that the Order for this Petition lying on the Table be rescinded.

Motion made, and Question proposed,

“That the Order that the Petition from Prittlewell and neighbourhood [presented 6th April] do lie upon the Table, be read, and discharged.”—(*Mr. Disraeli*.)

COLONEL MAKINS: As I am the Member who presented this Petition, the House will, perhaps, allow me to say a few words in explanation. I believe the best course which any Member of this House can adopt when he

finds that he has by inadvertence or carelessness committed an error; is frankly to avow it, and throw himself on the indulgence of the House. That, Sir, is my case. The history of this Petition, so far as I am concerned, is very short and simple, and if the House will allow me I will relate it. I received a letter from a constituent living at Prittlewell, a day or two before the Easter Recess, asking me whether I would present a Petition for the release, as he termed it in his letter, of “that unhappy nobleman now languishing in prison.” Secondly, I was asked whether I would support the prayer of the Petition; and, lastly, whether I would give the hon. Member for Stoke a patient hearing when he brought his Motion before the House. I replied to those Questions categorically, that I would present the Petition; that I could not support its prayer; and that I would not interrupt the hon. Member for Stoke. On my return to town after Easter I found the Petition; and I am sorry to say, without carefully looking at it, or making myself fully acquainted with the contents or the nature of the language in which it was couched, I presented that Petition. I have nothing more to say. I do not intend to take any course with regard to the Petition; I leave the matter entirely in the hands of the right hon. Gentleman, except that I only wish to say this—that there is no Member of this House who would feel more regret than I do at having inadvertently become the means of conveying through the Forms of this House an unmerited censure upon the Bench and upon you, Sir. There is no Member of this House who has a greater admiration for the diligence and the ability with which Her Majesty’s Judges discharge the most sacred duty of administering justice in England. There is no one who has a profounder faith in the impartiality and integrity with which those duties are discharged. And I am sorry to say there is no one who has a profounder—I was going to say, contempt, but I would rather use the word pity, than I have for the victims of that monstrous delusion, of the existence of which this Petition is evidence—I mean the delusion that the person referred to in the Petition has been the victim of a persecuting conspiracy, whether aristocratic or Jesuitical, and that he has not

had a fair trial. Thanking the House for having listened to my explanation, I beg to express my regret that I should have presented the Petition.

SIR CHARLES FORSTER said, that as Chairman of the Public Petitions Committee his duty in this matter was simply a Ministerial duty, and must be held to have been discharged with the presentation of the Report, which at the request of the Committee he had laid on the Table on Monday last. The matter then passed from their hands to those of the Government and the House. He wished to correct a misapprehension which prevailed as to the functions of the Public Petitions Committee. He was asked why some of the Petitions on the Tichborne Case were not summarily rejected by the Committee. They had, however, no power to reject any Petition which had once been received by the House except on the ground of informality; and therefore it was most desirable that Members undertaking the presentation of doubtful Petitions should, at the time of their presentation, call the attention of the House to the subject-matter, in order that when the Question was put from the Chair that the Petition should lie upon the Table, the House might, if it thought fit, give a negative vote, and thus obviate the necessity and trouble of a proceeding like the present. He would remind the right hon. Gentleman and the House that in the case of the Petition complaining of the conduct of Baron Hughes, to which allusion had been made, the ground there given for discharging the Order was that no action had been taken since the presentation of it. Speaking for himself, he might say that, notwithstanding the strong language of the Petition under discussion, he could not have voted for the discharge of the Order if the hon. Member for South Essex (Colonel Makins) had stated in his place that it was his intention to follow up that Petition by a Motion. The right of Petitioners to approach that House was an ancient and constitutional right, which did not admit of question. But while the House was always prepared to give every facility for the exercise of that right, it had ever shown a disinclination to allow its Forms to be made use of for the purpose of circulating charges and attacks which it was not intended seriously to follow up. It was scarcely necessary for

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him, on the part either of himself or of his Colleagues, to disclaim the slightest animus in the Tichborne Case. In the discharge of their functions the Committee had but one wish, and that was to discharge their duties in strict accordance with the regulations and practice of Parliament as they understood them, and to mete out to all Petitions that came before them equal justice and courtesy.

MR. P. A. TAYLOR: I venture, Sir, to differ from the opinion of the right hon. Gentleman at the head of the Government, though I cannot conceal from myself that the right hon. Gentleman's opinion is shared by a large majority of the House. A Petition which prayed for the release of the prisoner in question has been adopted by a large majority of the inhabitants of Leicester, and has the signature of 15,000 persons. Here I wish to say that in their views I have no sympathy or belief whatever; but the right of Petition is an ancient and sacred right. It is much more than a right; it is a duty which it is eminently for the interest of the House to cherish and encourage as much as we can, and to hinder and relax it as little as possible by the suggestion of technical difficulties. It is important in the interests of good order that the people of this country should feel that the House of Commons is the Great Inquest of the Nation, before whom they can bring complaints and demand inquiry or redress. It is therefore most important that the right of Petition should be preserved and encouraged, and this is the natural result of free discussion. Now, Sir, it is said that this Petition contains gross libels against the Judges, and against many other individuals. I believe it with all my heart. But what then? All charges against public functionaries must contain libels. The question of acting upon these Petitions, or of receiving them, is, I submit, an entirely different thing. If the hon. Member for Stoke (Dr. Kenealy) or the hon. Member for Peterborough (Mr. Whalley) founded a Motion on these Petitions, I should unhesitatingly give my vote against them. But that is no reason why great masses of the people should be cut off from petitioning. I believe that this Petition contains libels; but it is not impossible to conceive that there might be such things—indeed, there have been such things—as corrupt and unjust Judges;

and, that being so, to whom did the people come but to this House to protest, and to seek their removal. I believe I am right in saying that for a period of 200 years—from the time of William and Mary—the Judges have not held their offices according to the pleasure of the Crown, but *quamdium se bene gesserint*; and therefore to whom are the people of England to come but to this House, to say that they believe injustice has been done and to ask their Representatives to join and assist them in presenting an Address to the Crown? The right hon. Gentleman says he would not have moved that this Petition should not be received had the hon. Member who presented it (Colonel Makins) declared his willingness to bring forward in this House a Motion in accordance with its prayer. I consider that in that the right hon. Gentleman is proposing to do great injustice to the Members of this House as well as to the people who send Petitions here. We have heard of a Petition signed by 15,000 infatuated people at Leicester, but it would be gross injustice to compel the hon. Member for Leicester to bring forward a Motion in accordance with it. The strongest part of the case of the right hon. Gentleman is undoubtedly the unwise, foolish, and even insulting observations upon yourself, Sir. I shall not show any disrespect for you, Sir, because here, in your presence, I do not lavish terms of laudation. I will only say that your position is such as to enable you to pass by such folly without a word. The right hon. Gentleman (Mr. Disraeli) made a great deal more of this matter than he need have done, because he admitted that the words used in the Petition, and attributed to the Speaker, were not used by him, and therefore the rudeness towards you, Sir, was but an hypothetical rudeness. Sir, I give an emphatic “No” to the Motion.

MR. HOPWOOD: Sir, I assure you it is with great reluctance that I address the House upon this question, and I do so, I hope, with a sense of the responsibility due to the position which I assume. Although I have been sitting by the side of my hon. Friend the Member for Leicester (Mr. P. A. Taylor), my resolve in this matter has been come to without any sort of concert with him. I think we had better look at this matter before it grows to larger dimensions, and before

it becomes a question which may very much trouble us, as it has already troubled the constituencies of the country. I am in the same position as the hon. Member for Leicester in this respect, that I am threatened with a Petition to present in the same interest, worded exactly as this is, and founded upon the same delusions. I disclaim any sort of belief in any part of the Petition; but how is the mischief to be cured? What is the mischief that is proceeding? I beg the House to beware of it. It is this—that for nearly a year past the foulest slanders have been allowed to be published, and there has been no hand raised, no Ministerial voice expressed upon this matter; and with the exception of the rejection, Sir, by you, in your capacity of Speaker of this House, of a Petition last year, I do not suppose there has been the slightest notice taken of that which is fermenting in the country. Now, if these slanders are allowed to be stated, what must be the inference in the minds of men who read them daily or weekly? It must be this—first, they are in print, and that to comparatively uneducated minds may give them an authenticity that they would otherwise want; and when they read them, as they do, they must arrive at this conclusion, that if not true, those who disseminate them should be at once prosecuted. But if they are true, is it because you are afraid to prosecute that you do not proceed? Then, if such is not the case, how can you complain of the constituencies believing these statements to be true? If they are true, then I say it is noble and generous of the people to believe them, and they do right to come here to this House and present Petitions, couched although they may be in terms which we might take exception to, but certainly conveying specific charges with which it is for this House to deal. Now, what does this Petition do? It states certain matters which might be inquired into. Where can they be inquired into? Where so fittingly as in this House? A verdict given by a Committee upon these charges would yield comfort to this country. One of the precedents adduced by the Prime Minister was when the House refused to try a criminal over again, and I quite agree with such a precedent as that, but it does not govern this case. In this case it is charged that certain persons in high

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office exhibited misconduct in the course of a certain trial, and four instances of similar charges have been enumerated. But the question is, are the charges true or not? I submit that this House is the only tribunal which can set this ferment at rest, and it can only do so by referring this question to a Committee. These matters should be inquired into. I have only further to say, Sir, with regard to the reflection upon the office which you hold, I really think that that has been brought into too much prominence. The only thing to be done is to deal with this matter in the manner suggested. Nothing else will give peace, or put a stop to that with which we are threatened—namely, a continuance of that which is generous on the part of those who believe it, but which is in the highest degree evidence of their credulity.

SIR CHARLES W. DILKE: There are lawyers in this House, perhaps, who are not unfamiliar with the precedents which have been brought forward by the Prime Minister, and I venture to think that any who have examined the precedents bearing on this case, even though they should be, like myself, humble and unlearned Members of this House, must nevertheless have grave doubts as to the applicability of those precedents to this matter. And one cannot but discover that if there are some precedents which are in favour of the rejection of this Petition there are others which go the other way. My hon. and learned Friend the Member for Stockport (Mr. Hopwood) has pointed out that one of the precedents quoted by the Prime Minister has no bearing upon this case, inasmuch as it was a Petition praying for the retrial of a case which had been already decided in the Courts of Law. But there is another precedent which was brought forward by the Prime Minister, which also, I think, has little bearing on this case. He quoted the precedent of a Petition against Justice Best in 1821; and he said that that Petition was rejected after coming to a Party division upon it. But he did not point out that in the same year other Petitions were rejected by this House also upon Party divisions, in which the conduct of Ministers alone was called in question. It is quite clear that in that year, and also in 1819 and 1820, it was by no means uncommon for this House to reject, on Party divisions, Petitions which would

be received at the present time. Another precedent was that of 1870, four years ago, when a Petition was presented on the 10th of June against the conduct of Baron Hughes, and the reason stated in the Journals for the rejection of that Petition was, that no Member had made any Motion about it in support of the charges which it contained. We are not at the present moment aware whether it is not the intention of some Member to make a Motion upon the subject which this Petition does contain. When the Prime Minister asks the hon. and gallant Member for Essex (Colonel Makins) whether it is his intention to make a Motion founded upon this Petition, I ask the great Constitutional authorities of this House, whether it is or is not the case that any other Member has just as much right to make a Motion founded on these charges as the hon. Gentleman who presented the Petition? There are one or two precedents which bear strongly in favour of this Petition. On the 23rd of May, 1689, a Petition, alleging the most grossly unfair treatment of a prisoner by the Judges, was received by this House. In 1701 the famous Kentish Petition was presented. It was unconstitutional, because it prayed for war, and was rejected; but a great storm was created about it, and it was afterwards held that it was unwise to reject it, rather than by a Resolution to declare it frivolous and unconstitutional; and in a note appended to the passage in *Hansard* it is stated that—

“The same privileges by which the Members in Parliament claim to speak, gives every commoner the right to speak to this House.”—*[Hansard, Parl. History, 5.]*

In 1725 a Petition was presented to this House from Lords Oxford and Morpeth alleging gross injustice against a Master in Chancery; and there is also the case of the famous Wilkes Petition, in 1768. Mr. Wilkes was, at the time, a Member of this House, and, having consulted Constitutional authorities on this point, I believe I am justified in saying that it was held that the fact of his being a Member of this House made no difference in his position. The Petition brought a charge of subornation of perjury against Mr. Secretary West, and it was received by the House; and many weeks afterwards, on a Resolution being submitted to the House declaring that Petition to be frivolous,

Mr. Hopwood

the Resolution was adopted. On the 10th of December, 1779, at the time that Lord North was Chancellor of the Exchequer, a Petition of the freeholders of Middlesex was not rejected, although it preferred a formal charge against Lord North of the most wanton and arbitrary use of his power, to the utter subversion of the free election of Members to the House of Commons. That Petition, also, was received. In 1804 there was a Petition impugning the conduct of Mr. Justice Fox, who was then a Judge of the Court of Common Pleas, in Ireland. That Petition charged Mr. Fox with the most gross and wilful violation of the rights of the subject, and in this respect it was entirely on all fours with the allegation of the present Petition against the Lord Chief Justice, and that Petition also was received. I think, therefore, the right course to pursue on this occasion ought to be pointed out to us, not only by the Prime Minister, but by those to whom we are expected to look for guidance upon all Constitutional questions. I cannot but perceive from the tone of the Prime Minister that there is some doubt as to the line which ought to be taken; and I should not have presented myself before the House had the Constitutional authorities informed us what was our duty on this occasion.

MR. HERSCHELL: As a lawyer, I desire to say a few words on this question. No one in this House more than myself feels that it is of the utmost possible importance that freedom of Petition should remain to the people of this country. I feel that it would be utterly impossible to do anything more calculated to produce mischief hereafter than to throw any doubt upon the right of the subject to petition this House in a matter that concerns the administration of justice in this country. I cannot doubt, therefore, that it is within the province of any subject of Her Majesty to petition this House, that an Address may be presented to the Crown for the removal of any of the Judges who, it is alleged, have acted improperly or corruptly; and I cannot doubt that the Petition in question ought to be received, if the language used in it be not disrespectful to this House, and if the facts stated in it be germane to the prayer of the Petition. That seems to me to be the essence of the case. I can understand its being said that the Petition, containing scan-

dalous charges against the Judges, concluded with a prayer to which these charges had no sort of reference, and that, therefore, the Forms of this House were being made a mere vehicle for abuse. But when the allegations in the Petition are germane to the prayer of the Petition, and when the prayer is one which may be legitimately addressed to the House, I do not see how the House can take exception to the Petition; because they may disagree, as I utterly do, with the charges contained in it, or because they may have the deepest and best founded belief that those who are presenting the Petition really are not bringing forward the facts of the case. Nobody can doubt that the charges made in the Petition have the strictest reference to the prayer with which it ends, so far as that prayer relates to the removal of the Judges; and I feel an indignation which it is difficult to repress at hearing the scandalous charges which are scattered broadcast throughout the country against those for whom I have, from almost daily contact and experience, learnt to respect and honour. It is difficult under such circumstances to keep one's judgment calm and restrain one's indignation so as to keep within the legitimate constitutional course. I agree with the hon. Member for Stockport (Mr. Hopwood), that it may be desirable at some time or other to deal with and settle this question once for all. It is a matter which, if fairly discussed in the light of day, need not be afraid of that discussion, and it will be a far better course to have these charges dragged into the day-light than left to simmer as they do now. But I cannot agree that the proper course would be to refer this Petition to a Select Committee. As far as I can see there is one way, and only one legitimate way, by which this question can be set at rest for ever, and that is, by moving an Address to Her Majesty for the removal of the Judges whose conduct is impugned. And then comes the question, what should be done with this Petition? I do not understand that the Prime Minister, in his Motion, has in any way disputed the propositions I have laid down as to the first part of the Petition, neither do I think that they will be contested by the hon. Members for Leicester and Stockport. I understand the Prime Minister to acknowledge, in the fullest way, that there is a

right to petition with reference to the removal of the Judges, even though the statements referring to the subject might be offensively worded. I do hope, therefore, that we shall clearly know what we are proceeding upon. The right hon. Gentleman asks the House to discharge the Order for this Petition on different grounds, which I think bear upon the point upon which I have been addressing the House. It is said that this Petition contains charges against a totally different person, to whom the prayer does not apply, and that it is a Breach of the Privilege of this House, that any hon. Member should have scandalous accusations made against him by reason of his conduct or speech as a Member of this House. The right hon. Gentleman who occupies the Chair as the Speaker is not less entitled to protection than other Members are, and surely there is no danger whatever in laying down this proposition—that if a Petition presented to this House infringes against that rule and attacks a Member of this House, that is a Petition which ought not to be received by this House. The hon. Member for Leicester (Mr. P. A. Taylor) says that, after all, the charges made against the Speaker are not very grave. Be it so. But then are we to overlook them? By rejecting them we shall not be limiting the right of the people to petition this House, and to state the grounds on which they petition it, however vague the charge which they may convey against the persons attacked. I trust, therefore, that it may be possible for the House to come to a unanimous decision on the question before it.

MR. STAVELEY HILL: I quite agree with my hon. Friend the Member for Durham (Mr. Herschell) there is no point in the Petition which could quite properly come before this House. I fully agree in all that has been said as to the manner in which it violates all the Rules of the House. If a Petition is laid before the House praying for the removal of the Judges, it ought to set forth distinctly the grounds on which such removal is prayed for, in the same way as in any Petition presented in the Court of Chancery. Now, I had an opportunity of carefully reading this Petition, and after a careful perusal, without any bias whatever, I venture to say that no person can read it without coming to the conclusion that there is

no ground on which this House can act. The allegations in the Petition are such as would be rejected in the Court of Chancery as scandalous and irrelevant. The language used is coarse, low, vulgar, scurrilous, and libellous against some of the most eminent persons in this country. I regret that the Petition has been allowed to be presented, and its rejection by the House may at least have some effect in stopping the progress of this wretched business, and dispel delusion. My creed is that of Dean Milman, who said, "I believe in the immortality of humbug;" but the proceedings of this House have had—and I hope always will have—a considerable effect upon public opinion, and we may do something to stop the spread of the delusion, though we cannot entirely put it down.

MR. WHITBREAD suggested that they ought to consider what should be the position of the House with regard to the reception of Petitions similar to the present one, but making no reference to the Speaker. He thought such Petitions ought to be received, and that hon. Members presenting them ought not to be required to bring the charges they contained under the special notice of the House. At the same time, it would be unjust to the Judges and undignified on the part of the House to allow these Petitions to remain indefinitely upon the Table. If there was any Member of the House ready to substantiate the charges, let him name an early day and bring his charge; but if, after a Petition had been for some reasonable, and not long, time upon the Table, nobody was found ready to bring its allegations to the test, then it should be the duty of the Prime Minister, as Leader of the House, to move that the charges appeared to be without foundation, and that the Petition be rejected.

SIR WILFRID LAWSON: The speech which we have just heard confirms me in the belief that the Motion which I am about to submit is a proper one. I venture to propose what may be called a middle course—which is, perhaps, not a course I often take. I have a difficulty in making up my mind upon this subject, for the advice we have received has been so various that, while we well know that doctors differ, we have equal reason to say that lawyers differ. But we have had a want of advice from one quarter. I want to have some advice

Mr. Herschell

from my natural Leader. I have seldom this Session seen the front Opposition bench so well filled as it is to-night, but its occupants all sit silent; not a word of advice do we get from them. Yet they are not always silent. My noble Friend the Leader of the Opposition dined out last night with the Fish-mongers. I read his speech this morning, and I was very much impressed by the manner in which he expressed his sense of the excellent and admirable qualities of Her Majesty's Government. Now, does he think they are so excellent in the course they take that they are able to carry on the affairs of this House without any assistance at all from the Opposition? I hope he will get up and give us a word or two. We ought to be told what is the policy of the Liberal Party on this question. I do not want and certainly do not mean to discuss this question as a lawyer. It appears to me to have a wider aspect than the legal aspect. We ought, I think, to consider what will be the effect of the proceedings of this House upon public opinion out-of-doors, especially with regard to the monstrous and, I am afraid, spreading delusion about the Tichborne Case. I do not believe for a moment that any Resolution we can pass or any step we can take in this House would effectually quell that delusion, because my creed is the same as that expressed by Dean Milman when he said—"I believe in the immortality of humbug." But the proceedings of this House have, as I think they always will have, a considerable influence upon public opinion, and we may do something to check the delusion, though we cannot entirely put it down. I do not think we are at present taking the right way to do that. I think I could see all through the speech of the Prime Minister that he felt he had put his foot in it. He saw that the proceedings to-night would do nothing to quell the Tichborne demonstrations. Now, if these charges against Judges and other men high in authority which are going about are not true, I say let those people come out and prosecute the libellers. That is the proper thing to do. So far as we are concerned, if they are not true, as I believe they are not, let us treat them with utter and complete contempt. The charges consist partly of attacks on juries. I see before me the hon. Member for Louth (Mr.

Sullivan). He has been in prison—like most of the Irish Members. I do not—and I say it candidly—I do not honour my hon. Friend a bit the less for his having been in prison. I am, on the contrary, glad to see him here. But why was he put in prison? It was because in a time of very great political excitement he wrote an article in his paper condemning the finding of a jury with regard to the Fenians who were subsequently hanged at Manchester. But he did nothing half so strong as has been done by the hon. Member for Stoke and his friends. He alleged no corruption against anybody. He simply said that the jury had acted under a panic. We have got wiser now, and do not imprison people for writing all this rubbish. In those days Sullivan was sent to prison; in these, Kenealy is sent to Parliament. Now, let us treat all this matter with the contempt it deserves. Sir, I only wish to make one more remark by way of justifying the Motion with which I am going to conclude. The strong point in the speech of the right hon. Gentleman was that which had reference to the insulting imputation cast by the Petition upon you. I am not going to make a speech in your favour. As the hon. Member for Leicester (Mr. P. A. Taylor) has said, that is entirely a work of supererogation. But I do wish to say that a requisition in a Petition to this House that we should impeach you is so utterly outrageous and absurd, that, as sensible men, we ought not to consider it for a moment. Let us go to the Budget, which we are all anxious to hear, and let us dismiss from our minds all this contemptible rubbish, which has been occupying our attention for the last hour and a half. For the purpose of facilitating that step, I beg respectfully to move the Previous Question.

MR. POTTER seconded the Motion.

Previous Question proposed, "That that Question be now put." — (Sir Wilfrid Lawson.)

MR. DILLWYN said, he could not vote for the Previous Question, but must vote with the hon. Member for Leicester (Mr. P. A. Taylor) for a direct negative. It ought not to be allowed to go forth to the public that the House of Commons would in any way permit the right of Petition to be questioned. Though those

who signed this Petition had made a mistake and done wrong in the allusion to the Speaker, yet it could not be denied that a feeling had become very general that there had been corrupt conduct on the part of the Judges. It ought not to be allowed to go forth that when the people complained of unjust conduct on the part of the Judges, the House would not allow it that consideration which it ought to have. He wished to correct a false impression which the Prime Minister's speech—although, of course, unintentionally—might give rise to. The Petition did not pray that the Speaker should be impeached. It was simply a hypothetical statement that if the Speaker had used words which he did not use he ought to be impeached. The prayer of the Petition, as he understood it, was the legitimate opinion of the people who signed it. Therefore, in defence of the right of Petition, he should vote with the hon. Member for Leicester against the rejection.

THE MARQUESS OF HARTINGTON: Mr. Speaker, my hon. Friend the Member for Carlisle (Sir Wilfrid Lawson) has appealed to me in order that he may know what is the opinion of Gentlemen who sit on this bench. I do not know that I can give him any assurance of absolute unanimity here any more than among his friends the doctors or lawyers; but on one subject I am sure I can give him the unanimous opinion of this bench, and that is that this question ought not to be treated in any sense as a Party question. I can assure him that his allegiance as a Party follower will not be tested on this occasion by any appeal to him in that capacity. Sir, I do not suppose that any Member of this House—certainly no Member who sits on this side of the House—would wish in any degree whatever to restrict the undoubted right of Petition. Various precedents and authorities of great weight have been urged in the course of this debate. There are, however, two Resolutions of the House which appear to be so apposite to this question that I will call attention to them. In 1669 two Resolutions were passed by the House. The first declared—

“That it is an inherent right of every commoner in England to prepare and present Petitions to the House of Commons in case of grievance, and the House of Commons to receive the same.”

And the second declared—

Mr. Dillwyn

“That it is the undoubted right and privilege of the Commons to judge and determine concerning the nature and matter of such Petitions, how far they are fit or unfit to be received.”

Now, these Resolutions maintained in the widest possible way the right of every subject to Petition, and the equal right of the House of Commons to consider, discuss, and decide how far such a Petition was fit to be received. The right hon. Gentleman the Leader of the House has stated, in general terms, the grounds on which he thinks that this Petition is unfit to be received, and I certainly am not going to take any exception to the general conclusion at which he has arrived; but I must say that upon some grounds I regret that the right hon. Gentleman should have thought it inexpedient that the Petition should be read from the Table. I admit the force of the objection that it would probably have been some satisfaction to the persons who prepared this Petition that their libellous charges against the Judges and the Speaker of this House should obtain the notoriety of having been read publicly here and subsequently printed. At the same time, I do think that there is no very great advantage in being so extremely punctilious. I feel that the character of the Judges who administer justice in the Courts of Law, and the character of the right hon. Gentleman who presides over our deliberations, and the character of this House, are such that no harm whatever can have resulted from the widest publication of this Petition and the libels it contains. I think the course suggested to us may be open to the objection that it should go forth to the world to-morrow that the House of Commons refused to entertain a Petition, without having it read at the Table, upon the mere statement of its contents by the Leader of the House. I think my hon. Friend the Member for Swansea (Mr. Dillwyn) was right in his criticism upon one part of the statement of the right hon. Gentleman. As far as my recollection of the Petition goes I do not think that the second part of it concluded with any prayer for the impeachment of the Speaker. On the contrary, it appears to be open to a charge of informality on the ground that it makes an assertion about the right hon. Gentleman without making any prayer. The right hon. Gentleman stated that the Petition is divided into two parts. As to the

first, which relates to the Judges, I have had an opportunity of perusing it and forming my own opinion. The Petition contains language of a character which renders it unfit to be received by this House. It does not contain definite charges supported by statements as to facts within the knowledge of the Petitioners, and it appears to me that the charges, such as they are, are couched in very violent terms of an insulting character; therefore, I have formed the opinion that the Petition on this ground is one that ought not to be received. At the same time, I must admit that, in the unfortunate state of feeling of a certain section of the population with regard to what they may believe to have been a failure of justice in the Tichborne trial, I think there is a certain danger in allowing this Petition to be rejected without its being very clearly understood that it is rejected on account of the exception taken to the mode and manner of the statements, and not on account of the statements themselves so far as the alleged misconduct on the part of the Judges goes. I think it should be distinctly understood that Petitions have been already received imputing misconduct, and that no Petition will be refused by this House, although making grave and serious charges against Judges, so long as it is couched in temperate language. The right hon. Gentleman lays down that no Petition even couched in proper and respectful language ought to be received unless the Member who presents it is prepared to take action on it; but I do not understand that any Constitutional authority supports that view. Certainly, some of the precedents he referred to do not apply. He mentioned the case of Baron Hughes, but there the Petition was presented and lay upon the Table for six weeks, and at the expiration of that time it was moved that the Order be discharged, not because the Members present did not vote upon it, but because no Member founded any Motion upon it. That I take to be the proper and usual practice of this House; and if a Petition were presented which contained offensive allusions to the Speaker, that would be quite sufficient ground for rejecting it; but I do not think we need trouble ourselves with a hypothetical case. There can be no doubt whatever that the way in which the Speaker is referred to affords ample

grounds for the discharge of the Order. When a Petition is presented which does not contain these expressions of disrespect, and when the charges are framed in a proper and temperate manner, then it seems to me it will be time enough for the House to consider it. We are dealing at present with this Petition, and with this Petition alone. After spending so much time as we have devoted to the consideration of this question, it would be subject of regret if we were to postpone decision upon it; and if I may give advice to the hon. Baronet, I hope he will be induced to withdraw his Motion.

MR. GATHORNE HARDY: I would only remind the noble Lord of the fact that we are not moving on this Petition without having our attention called to it by the Committee on Petitions, and the reason why my right hon. Friend did not call for it to be read, was that the substance of it was read in the Report of the Committee. But of course it is perfectly competent for any Member to ask that the Petition be read, although my right hon. Friend did not counsel such a course. It is true that the Petition does not contain a prayer that the Speaker be impeached; but its words and its character have exactly that bearing. The Petitioners state, first of all, that they have heard that the Speaker has made use of certain expressions, and that if he did so it was an act of high treason against the Constitution which deserves the most severe reprobation of the people's Representatives in the House of Commons and calls for their immediate action, by impeachment or otherwise, as the House may deem expedient.

MR. MUNDELLA said, the right hon. Gentleman had confirmed the opinion held by many Members that the words of the Petition which referred to the Speaker were based on a hypothetical case. He (Mr. Mundella) hoped the House would not reject the Petition merely because of the foolish and absurd hypothesis contained in its last two lines.

MR. MACDONALD felt that this was a very grave question. He had the most perfect confidence in the purity of our Judges, and, as a rule, in the decisions of our juries; but he could not fail to see that statements were circulated which were calculated to bring both the Judges and juries of the land into contempt. Those who were giving

currency to those statements had an opportunity now, on the floor of the House, of vindicating their conduct. Statements which could not be defended in that House were unworthy of the consideration of the British public outside. Now was the time, and that was the place when those charges which had been sown broadcast should be defended if they could be, and as the hon. Member for Stoke was now within that House, he called upon him to rise and support his statements. He hoped, however, the House would not press the Motion to a division, as that House was the place for the meanest in the land to come for redress.

DR. KENEALY: The hon. Member for Stoke did not intend to present himself at this period of the debate. He was waiting to hear some of the statesmen of this House take something like a statesmanlike view of the question at issue. He did not intend to enter upon the question of miserable legal technicalities; but he wanted to be guided in his observations to the House by those high authorities to whom this country had long been accustomed to look, and who were not only the guardians of the Constitutional Law of this country, but who were also supposed to be the guardians of the Constitutional liberties of the people. I must say that it is with the greatest possible regret I find that none of the Gentlemen on the front benches beneath me have condescended to favour the House with their opinions on this great question, because a great question it is, and a great question, I can tell the right hon. Gentleman the First Lord of the Treasury, the people of this country are determined to make it. Sir, I know very well the utter disdain of the language which has been addressed to a large number of the people because they are of the humbler classes. ["No, no!"] I should like to know why, then, except that they were of the humbler classes? I have heard no reasons given by those Representatives of the people who have presumed to talk of the millions of our countrymen as acting under a delusion. I know the character of my countrymen well, and I have never been able to see the great universal common sense of the English people converted into delusions, as we are told to-night it has been. Surely it was quite enough that they

should have been grossly insulted as fools and fanatics, without these men—who could have no interest in the case whatever, except that of sturdy Englishmen anxious to see justice done, and who assembled in hundreds of thousands in Hyde Park to protest against what they considered the injustice of the great trial—being again branded as an ignorant, deluded, and infatuated multitude. We have heard a great deal of the bad language used on the Tichborne side; but it appears to me that the language used on the other side, both in this House and elsewhere, is quite as bad. The right hon. Gentleman the First Lord of the Treasury, if he will give me leave to say so, seems to be leading the House, if not into a ditch, at least into a dilemma. He wants this particular Petition to be rejected because the hon. Member for South Essex (Colonel Makins) is not prepared to support a Motion founded upon it; but that might occur with regard to many similar Petitions, and in what position would the House then be placed under such circumstances? One hundred Gentlemen might present such Petitions in the course of the Session. As to the precedents which the right hon. Gentleman quoted, the hon. Baronet the Member for Chelsea (Sir Charles Dilke) had shown they were nothing but cobwebs and delusions. I speak under correction, not having had the advantage of looking into the four precedents which the right hon. Gentleman has cited; but I believe there is not a single instance to be found where a prayer for the removal of a Judge on grounds set forth in a Petition has ever been rejected by the House. I think it a very great pity that it seemed expedient to the right hon. Gentleman to discuss a Petition of which the House was actually in ignorance. ["No!"] Some Gentlemen profess to have read portions or the whole of the Petition; but the great majority of the House, as it appears to me, were ignorant of the language and the complaints of this Petition. Why has it not been read at the Table? Does the right hon. Gentleman want to shield any persons mentioned in it? The right hon. Gentleman knows that there are statements in this Petition said to have been made by right hon. and hon. Members of this House. I do not know whether they are present; but, if so, and if the First

Mr. Macdonald

Lord of the Treasury had that Petition read, they would have had an opportunity of stating on their honour as Gentlemen, in the presence of Parliament, whether they were true or not. It seems to me that the Petition, not having been read, an injustice has been done to the Judges in whose interest he is acting. If I, for my own part, had the honour of being one of those Judges—[*Laughter*—perhaps I should rather say if I had the misfortune—I would have challenged, in defence of my own honour, the reading of this Petition, and an examination of the allegations which it contains. It was thought one of the greatest things, said Cæsar, and I agree with him, that Cæsar's wife should not be suspected of dishonour; and I say a British Judge should not allow himself to remain under charges such as alleged against those Judges. I am glad to observe the altered tone of this debate as regards the right of persons petitioning Parliament. It is notorious that in the last Session of Parliament statements were made in this House challenging the right of Petition because the petitioners complained of injustice and unfairness in a trial, and I say those statements deserved impeachment because they were in violation of the law of England and the Constitutional right of every Englishman. There are two statutes which guarantee the right to the removal of Judges for misbehaviour on an Address from the Houses of Parliament. But how is the misbehaviour of Judges to be brought to the knowledge of this House except by Petition? I want to know before whom a complaint of corruption or dishonesty on the part of a Judge can be brought if not before the Grand Inquest of the Nation? Such a position as that maintained by the right hon. Gentleman would not bear examination for a moment. The right hon. Gentleman hardly ventured to grapple with any of the difficulties of the question, which is entering very deeply into the English heart and soul, and if by the result of a division it shall appear that, acting on the advice of the right hon. Gentleman, this House is prepared to refuse to entertain a Petition complaining of the conduct of Judges, it will raise a tempest in this country which it will not easily allay. I will not criticize the language of the noble Marquess who followed suit to a great

many other hon. Gentlemen. The noble Marquess seems to have arrived in his own mind at some peculiar knowledge that the allegations of this Petition are false and scandalous. Why are they not proved to be false and scandalous? I hear no reply to that. I hear no cheer—no assenting voice. Is it that both sides of the House have made up their minds that the Judges acted fairly in that trial, and that the Claimant is Orton beyond all possibility of doubt? ["Hear, hear!"] Gentlemen, I do not envy you your judgment. ["Order, order!"] I am committing no disorder. ["Order!" and "Chair!"]

MR. SPEAKER: I must remind the hon. Member that it is one of the Rules of this House that every hon. Member should address himself to the Chair.

DR. KENEALY: Sir, I beg pardon if I addressed the House by the name of gentlemen. I understand that is the breach of Order I have committed, and will take care not to do it again. I was remarking that I did not envy hon. Members the judgment they have arrived at in that most wonderful and mysterious case. They probably imagine that they have better grounds of forming an opinion, and pronouncing that opinion here, than I have, and declaring every allegation in this Petition to be false because they do not happen to coincide with it. Sir, as far as I have had an opportunity of forming an opinion on that complicated case, full of doubts and mysteries, I have formed a very different conclusion from that which prevails in the minds of hon. Members. I was referring just now to the noble Marquess. He read the two Resolutions passed in the House in the year 1669; but, not being a very sound Constitutional lawyer, he omitted to notice that the second of these Resolutions had nothing to do with pretending to impose restrictions on the language of petitions: it simply guarded the House against the claim set up by the House of Lords to criticize the conduct of petitioners who presented Petitions here, and it had nothing whatever to do with the question of limiting the language of Petitions. I do not profess to be a very profound student in Constitutional Law or in the Usages of this House; but I have always understood it to be in accordance with Constitutional Law and the Usages of this House that Parlia-

ment requires all Petitions presented to it to be couched in language respectful to itself; and that is the only limit imposed. I may be wrong; and, if so, I shall be glad to be corrected by any high Constitutional authority in the House, but I believe what I have said to be both law and usage. I have really heard no language cited by the right hon. Gentleman, or by the noble Marquess—and that is another reason why the course he has adopted of not having the Petition read is extremely inconvenient—I have heard no language cited from the Petition which comes properly under the designation of slander. If a man is complaining of corrupt, bad, dishonest conduct, he must use words to convey the idea of corruptness, badness, and dishonesty. With some mealy-mouthed individuals, no doubt, language of that kind is slander; but that is not the true interpretation, because slander implies falsehood. Slander can never be supposed to be involved in truth; and if the right hon. Gentleman or the noble Marquess say there are any falsehoods in these Petitions, they ought to call on the House to investigate those falsehoods and trace them to their source; but they have made no such proposition. I do not know that I have anything further to say. If any such Petition as that should be forwarded to me—I never yet had one—I shall be perfectly prepared to present it to this House, to have it read at that Table, and to demand an inquiry into the conduct of the persons it impugns. The House would reject it, of course—that I can easily see from the temper prevailing on both sides; but let the House settle that with the country outside. I shall have performed my duty when I have done what I have said, and shall have liberated my conscience. If the House grants an inquiry, it will have an opportunity of learning for itself whether the accusations against the three Judges are true or false. In justice to those Judges, they ought to have an opportunity of showing whether the accusations against them are true or false; but if this House says—“We will have no inquiry, because we have made up our minds beforehand,” I can only say, with the greatest possible deference to this House, that such a course is not calculated to elevate it very highly in the opinion of the English people.

Dr. Kenealy

MR. BRIGHT: On this occasion we are discussing a rather complicated question. Some hon. Members are discussing one-half of it, and others the other half. Some naturally address themselves to the position taken by the right hon. Gentleman at the head of the Government. I do not complain of that, for I think it arose out of the form and wording of the Petition. One question is about the freedom—I will not say permitted but existing—with regard to petitioning this House, and the other is to the language of the Petition with regard to the Speaker. Now, it is obvious from the discussion, beginning with the speech of the right hon. Gentleman the Prime Minister, and from what has fallen from every hon. Member who spoke, that everybody in this House is in favour of the unlimited right of Petition, of such right of Petition as the people of England have ever demanded. As far as I can judge, the speeches of the hon. Member for Leicester (Mr. P. A. Taylor), and the hon. Member for Stockport (Mr. Hopwood) tend to the same thing. Whatever may be the result of this debate, there is no man in England, in the United Kingdom, or in the world who can charge this House with wishing to limit the right of Petition. But if we think it necessary to support the right of Petition, this House is acting just as much in the interest of petitioners and of the nation itself, when it insists on maintaining its own rights and the rights of the eminent Gentleman who fills the Chair. There can be no manner of doubt why the House, if it feels itself at liberty to discharge the Order, should do so. If it be discharged, what harm is it to the petitioners? They are not barred from approaching the House again in favour of any propositions which they have to submit, or any charges which they have to make, or any demands that the House should make any inquiry which they think for the public service. Therefore, if this Petition for the time be discharged the same petitioners may come to the House again leaving out that portion of the Petition which the House unanimously condemns, although by its vote it may not unanimously condemn it. I will undertake to say there is no hon. Member of this House, not even the hon. Member for Stoke himself—[Dr. KENEALY: Hear, hear!]
—who would, in the presence of this House, or

in the presence of any body of his countrymen, declare that it was for the interest of the people of England that any petitioner, by making gross and groundless insinuations, should bring a charge against the President and Speaker of the House of Commons. Then the House is agreed, I think, upon two things—that it will support the right of Petition; that it will support its own rights; and that it will support the rights of the Gentleman who presides over its deliberations; and I think all this can be done consistently with following the course which the right hon. Gentleman at the head of the Government has proposed. Now, when my hon. Friend the Member for Walsall (Sir Charles Forster), the Chairman of the Committee on Public Petitions, spoke to me about this matter some days ago, I took the trouble to read the Petition over very carefully, and I gave my opinion then, as I have given it from that moment to this without change, that as far as the complaints of the Petition with respect to the late trial and the Judges were concerned, I thought there were no serious grounds which would justify me in voting for its rejection. But I said that the statements with regard to the Speaker of this House were of so important, so serious, and so gross a character, that if it were proposed by the head of the Government to reject the Petition on that ground I should find it extremely difficult to resist. Therefore, I am quite ready to vote for discharging the Order, limiting myself to the ground of the base and baseless insinuations with regard to the Speaker. On that ground I can vote with a clear conscience for discharging the Order. I should like to say a word on the case which the right hon. Gentleman brought before us of a Petition presented five years ago, complaining of the conduct of an Irish Judge. I asked the right hon. Gentleman what was the date when the Order was discharged, and he said it was about seven weeks after it was presented. Now, if this Petition had no reference to the Speaker of the House I should not be able, because the Petition attacked the Judges, to agree to discharge the Order within 10 days of the time when the Petition was presented; because 10 days is scarcely sufficient time to ascertain whether any person holding the views of the Petitioners would bring

the subject before the House. It seems to me that we are not only guardians of the character of the Bench, but the guardians of that large interest which the people have in possessing and believing that they possess an incorrupt administration of the law. Now, Sir, the hon. Member for Stoke has just spoken, and I listened as attentively as I could to all he said—perhaps he may have been confused in one or two of his last sentences—but he does not appear to me to have taken the position which the House had a right to expect on this occasion. I do not object to anything he said, or to anything that he has said since he came into this House. All I say is, he has not been here often enough, and has not proceeded with the proposition which he undertook to submit to the House on the second night after he entered it. At that very early period he gave Notice that he would bring the case of a recent remarkable trial in which he was engaged as counsel, before the House, and that he would move a Resolution. I believe there is a Notice of that kind on the Paper now—Dr. Kenealy—*The Queen v. Castro*—

“To call attention to the Government Prosecution of the *Queen v. Castro*, and the conduct of the Trial at Bar and the incidents connected therewith, and also to certain incidents of the said trial which have occurred subsequently thereto; and to move a Resolution.”

Now, judging from the publication with which the hon. Member for Stoke is connected, and judging from what we hear everywhere, and from speeches made by him and by his friends, the House is forced to the conclusion that one great object of that Resolution would be to impugn the conduct of the Judges. This Petition impugns the conduct of the Judges. The hon. Member, I think I may assume, is the Member of the House who, above all others, is called upon, if anybody is called upon, and should be willing, if anybody is willing, to move a Resolution in support of the prayer of the Petition. I came down here on the night when the hon. Member for Peterborough (Mr. Whalley) asked some questions in regard to Judges and juries—I came down to the House specially early that I might see if the hon. Member for Stoke was in his place; and I intended on that occasion to ask him distinctly when he proposed to fix a day for the Motion of which he

had given Notice. I say the hon. Gentleman has no right to come down to the House and give a Notice of this character, to remove it to some other day, then to some other day, and after that to let it remain on the Paper without any day being fixed, and then to leave London to visit towns and other parts of the country, and there to make his statement of the question—I will not say to inflame the minds of the people of this country, I will not say to make charges which are false—I will say rather to make statements which he believes it his duty to make. It is not right to make such statements, I will not say to defame, but to charge eminent Judges, and to create in the mind of the people a belief that men upon their trial before the Judges and a jury of this country cannot hope for fair, open, and complete justice. I say he has no right to do that, and leave a Notice of that kind on the Paper week after week and month after month; and I think the House ought to insist that a question of this nature, upon which so much hangs—a question as to the judgment of the House upon the character of eminent Judges—that this question ought not to be left undecided. The House ought to take some steps by which it shall either be adjudged or got rid of for ever. I think the hon. Member for Stafford (Mr. Macdonald) made a manly declaration. He made an appeal to the hon. Member for Stoke which he cannot disregard. That hon. Gentleman knows that I am not one of those who, in private or public, defame him, or object to his sitting in this House, or show by what I shall say contempt for the constituency which has sent him here. I respect the great constituency which has sent him here. That constituency acted, perhaps, in great ignorance, but, I believe, thoroughly upon generous and honourable principles. But the hon. Member for Stoke, being the Representative of that constituency in this House, ought to feel that he is the one above all other—and this is the place above all others—in which he should bring to the adjudication of the House the serious charges he is constantly making against the Judges. He will have a fair hearing. I can sit from 5 till 12, if necessary, to hear the whole case. I have read some hundreds of columns of it during the time when he was so much

before the country in connection with it; and if I have read so many hundreds of columns of print I can listen, and listen with attention, and probably with interest to the speech which he will make. But I protest against this question being left over. If the hon. Member had given Notice that he was about to bring a Vote of Censure against a Member of the Government, the First Minister would say—"This cannot be allowed to remain week after week. It must be decided. The Government enjoys the confidence of the House, or it does not." But it seems to me even more important if you have three of the most eminent Judges of the land, and heap upon them charges of the most grave character. I say that the man who makes those charges, and who hesitates to come forward and, to the best of his power, to substantiate them, at any rate will have no right to say anything against the Judges, for however evil may be their character, I suspect his will not bear examination. I conclude by saying—and I say it with no unfriendliness to the hon. Member for Stoke—I think I have a fair right to appeal to him to answer my question, and to state to the House whether it is his intention immediately, or on the first convenient day—and I hope the House will be ready to make any way for him—to bring this matter before the House, so that it may be fairly discussed, for I am, at least, as anxious as he is that justice should be done, and that the great mass of the people of this country, whether they take his view or the view of the majority of this House, should have another opportunity of correcting their opinion, and of coming, it may be, to a just decision upon a question which has excited so many of them. Upon the ground that we are to vote for the discharge of this Order, because of the attack that it has made upon the Privileges of the House, and the insinuations against the character and the conduct of the President and Speaker of the House, and upon that ground only, I shall give my vote with the right hon. Gentleman.

DR. KENEALY: I think, Sir, you will allow me to say—"Order, order!"

MR. SPEAKER: If the hon. Member desires to make an explanation I have no doubt that this House will hear him;

but he is not entitled to make a second speech on the question before the House.

SIR WILFRID LAWSON: I wish to ask a question. I rise to Order—"Order!"

DR. KENEALY: I wish to make an explanation. It is quite true, as the right hon. Gentleman has stated to the House, that on the second night I entered it I gave Notice of my intention to bring forward the question of the "*Queen v. Castro*," and move a Resolution. At that time I had every reason to believe that I should be supported by floods of Petitions to this House; but I very soon learned that, although Petitions had been sent to hon. Members, they were informed on the authority of high functionaries here that it would be illegal and irregular to present them. ["Name, name!"] I therefore, in the full exercise of my right of discretion, postponed that Motion until I should be supported by numbers of Petitions. I beg leave to inform the right hon. Gentleman that until I see myself properly supported by Petitions sent into this House I shall not bring forward the Motion. If hon. Members want to have the matter brought before the House, let them not refuse to present the Petitions from their constituents of which I have spoken.

MR. DISRAELI: Some hon. Gentlemen and the Member for Stoke have argued this question to-night as if there were some Government measure before the House, and as if the Government had shown a want of policy or discretion in calling on the House to decide the question; but I should hope the vast majority of Gentlemen in the House are perfectly aware that in calling on the House to come to a decision on this Motion I am only acting in conformity with the regulations of the House. It is in consequence of a Report prepared and submitted to the House by one of the most influential permanent Committees of the House—the Committee on Public Petitions—that I have been obliged to call upon the House to consider that Report and to state to the House what I believe the right course and the right view for them to adopt. I should not have ventured to take that course on my own responsibility. I took occasion to request the assistance and advice of my Colleagues on a point of this nature,

and we arrived, after due consideration and investigation, at a conclusion which I may state in few words. It was our opinion that had the Petition been confined to impugning the conduct of the Judges, though we might regret that a Petition should be expressed in such language, still, considering that it was signed by a considerable number of persons, who, we doubt not, sincerely believed they had formed a correct opinion, it was not for the public interest that such a Petition should be rejected; and I, therefore, should not have hesitated, had this Petition been one which simply impugned the conduct of the Judges, feeling how important it is that the right of Petition should always be respected in this House, and that on no subject more important than the administration of justice can Petitions be presented, to recommend, and we should have recommended, the House, however much we might have regretted the language in which the Petition was couched, to have accepted the Petition; but, on examining that Petition, we found other matter than that which is alluded to in the Report of the Committee on Petitions; and we believed that matter to be not only most offensive to the House, but matter which, if it passed unnoticed, would be of an injurious character, for it violated, in our opinion, the most precious Privilege of the House in making an attack upon the character of one whom we respect above all others. It also invaded that liberty of speech which is the privilege of individual Members, and the most valuable privilege of the House, and which we have guarded by our Orders and by our traditionary and constant respect from being challenged and assailed by those out of this House, so that the privilege of freedom of discussion may be protected. Upon that ground, and that ground alone, I recommend the House to agree that the Order for this Petition to lie on the Table should be discharged. I must say, notwithstanding the jesting philosophy of the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), who, in idiomatic phrase, informed the House of the position in which I had placed myself to-night, that I think the consequence of this discussion has been to justify the course I have pursued, and there is a universal concurrence that the advice I have given to the House is the correct one. I hope, therefore, the hon.

Baronet will make some compensation for his too hasty criticism on my course by withdrawing the awkward Motion that he has made, and not prevent us still further from listening to a discussion more interesting, I believe, to the English people than even the Trial at Bar. A division may then take place; but I hope, on reflection, that the hon. Baronet the Member for Chelsea (Sir Charles Dilke) may be inclined not to break the unanimity which we all so much desire. We need again have no discussion on this issue respecting the precedents with regard to the conduct of former Judges to which we have referred. I did not bring them forward to confirm the opinion which I had myself formed of the advice which I intended to give to the House. It was my duty to give the House as much information as I could upon the points connected with the Report of the Committee on Petitions. I do not lay any stress upon them; but I believe they perfectly apply to the portion of the Petition which was under the review of the Committee. I think the hon. Baronet and the hon. Member for Leicester (Mr. P. A. Taylor) will also agree that it is expedient, after expression has been given to so general a feeling in the House, which did not surprise me, that it is not to the honour or interest of the House of Commons to offer obstacles to the right of Petition because Petitions do impugn the conduct of Judges; and, however much we may disapprove of the language in which Petitions are expressed, the matter is of too grave a character for us to allow our conduct in any way to excuse the fostering of that suspicion by which the public mind may be possessed if we refuse investigation or inquiry into any subject, save upon such a ground as that on which I am now asking the decision of the House. The violation of our Privilege in the language used is aggravated when we remember to whom it is applied; and, discarding, as I am sure every candid man will, the trivial defence offered by the fanciful hypothesis upon which the hon. Member for Sheffield (Mr. Mundella) chose to rest his argument, I hope the House will agree with me in the Motion I have made. If you sanction for a moment on such a ground the circulation of any calumnies which may be invented of any individual, and then say afterwards that they were

only hypothetical, that nothing was meant against him if he really was not a robber and a murderer, but being a robber and murderer he is to be denounced to public indignation and punishment, I think we will soon find that all the Orders that we have constructed, and all the Privileges we have hitherto maintained to sustain our freedom of discussion, and to guard our free Parliamentary life, will soon be found to be endangered. I therefore appeal with confidence to the House—and I hope an unanimous House—to support me in the Motion that I have made.

MR. WHALLEY: I must request, Sir, that this Petition be read. The right hon. Gentleman, although he thought fit to close this debate by speaking, did not state correctly that part of the Petition which he considered to be the most important, and upon which it was almost entirely that he made his appeal. As I have a Notice on the Paper for to-morrow night I should not have presumed to address the House on this occasion, but for the remarkable omission to which I have referred. The hon. Member for Sheffield (Mr. Mundella) stated distinctly that we have been misled by the right hon. Gentleman in saying that you, Sir, were insulted, and that your conduct had been impeached. Why, this House to impeach you! This House to impeach itself! As it came from the lips of the right hon. Gentleman the thing sounded ridiculous and absurd. I say again that the hon. Member for Sheffield did charge the right hon. Gentleman with having stated deliberately that the Petition contained as its most obnoxious portion that which it does not contain. There is another point. ["Oh, oh!"] The right hon. Gentleman did not allow me to address the House before he replied. He himself, if any man in this House, is responsible to this House and the country for what is obnoxious in that Petition. ["Divide!"] I will explain if the House will patiently listen. Why these very charges against the Judges were brought forward by me before the Committee, of which the right hon. Gentleman was a Member, and I had a Petition in my hand from my constituents, signed by more than half of the electors, charging these Judges with distinct partiality and substantial corruption, but the right hon. Gentleman said,

"We will not inquire into that, we will not go further," although he it was who appointed the Committee. Then, Sir, how could these Petitioners from Prittlewell, in Essex, and all over the country, amounting to hundreds of thousands, suppose they were offending against the Privileges of this House in appealing to the House to investigate charges against Judges which have been brought in terms quite as strong in other Petitions. During last Session I was rebuffed and snubbed and treated with obloquy in language which, as the hon. Member for Stoke has asserted, was equal to any that has been used in the Petitions in favour of this unfortunate convict. I brought a distinct charge against the Judges, and they knew it well. And what was the result? ["Divide!"] Let the House consider that they are not justified in shouting down the question, and saying that it was a delusion because they have prejudged the question. They, in spite of my protest, and the protest of others, found the money for the prosecution of this man, and you exonerate the Attorney General from responsibility in doing that which no Attorney General ever did before. When I ventured to bring this question before the House I was interrupted and shouted down continually until I was almost exhausted. And what was the result? The whips on both sides of the House laid their heads together, and counted out the House. I distinctly challenged those proceedings not only in the country, but in this House, in the name of my constituents. But the House took no notice of the matter, though I presented many Petitions upon the subject. Now comes this Petition, one of a vast number signed, I am told, by hundreds of thousands throughout the country, but which we are not allowed to present simply because it complains of the conduct of the Judges. Surely this must give strength and additional grounds for such complaints as were extended to the conduct of the Speaker in rejecting these Petitions unless by some means or other inquiry is conceded. That is all the petitioners want, and all that I now urge upon the Government. I ask, on behalf of the petitioners, that the Petition shall not be rejected. I say they were fully justified in supposing that their charges would not be suppressed, especially when they declared

that they were prepared to support those charges either at the Bar of the House or any other tribunal that might be appointed. Under any circumstances, before the Petition is rejected I think we ought to take time for further consideration, and in order that that may be given I hope the hon. Member for Carlisle (Sir Wilfrid Lawson) will press his Amendment of the Previous Question, for which I shall vote. Meantime, before a vote is taken, I think the least that can be asked is that the House should know what the Petition is which they are called upon to reject, and I therefore move that it be read by the Clerk at the Table.

MR. SPEAKER: Is it the pleasure of the House that the Petition be read?

MR. DISRAELI: Sir, I think it would be better that the Petition should be read. Earlier in the evening I gave reasons why I thought it would not be desirable to read the Petition, and we have also had before us the Report of the Public Petitions Committee, calling our attention to the language of the Petition. I believe, however, that it is in the power of any hon. Gentleman to have it read, and as an hon. Member has moved that it be now read, I shall support the Motion.

Petition read.

COLONEL LOYD LINDSAY, amid cries of "Divide!" said, he had only a few words to say, which the House would, he hoped, deem to be not altogether out of place. The Select Committee on Public Petitions had thought it their duty to bring to the notice of the House an objectionable Petition, which commented in an unbecoming manner on the Speaker, and on the proceedings of that House. Now, it was well-known that there was at the present moment a regularly organized machinery, directed by a Member of that House, whose object and business it was to get up and promote the signing of these objectionable Petitions. An important part of this machinery consisted of a newspaper, edited by the Member for Stoke-upon-Trent, and so long as that paper was allowed free licence to tell week after week the most abominable and palpable lies in its leading articles, he did not see how hon. Members could lay much blame upon the poor people who, by thousands and

thousands, read those articles, and somewhat naturally believed them to be true, because they were left uncontradicted. He had in his hand an article of this description, which he would back against almost anything written. It was from *The Englishman* newspaper—

“The Ministry, Parliament, and the Press are living in the most serene Fools’ Paradise, and apparently are no more aware of what is going on in the actual world than if they were the Seven Sleepers. Hardly a day passes that some dirty dog of a Member, who would be a fitter tenant of a pig-sty than of a seat in the House of Commons, does not get up, and in a drunken, after-dinner speech, without any provocation, assail Dr. Kenealy in the most loathsome language of scurrilous abuse. Some have the fatuity to write of him to their constituents in terms of reproach and insult, and in this they manifest their low and mongrel nature, which inclines them to bark though they dare not bite; for we need hardly say not one of these ‘curs of low degree’ would dare to face Dr. Kenealy from the House of Commons’ benches. But at their drunken dinner tables, surrounded by persons who are as drunk, or ignorant, or foolish as themselves, or in their counting-houses, where they concoct the frauds by which ships are lost and sailors are drowned and insurance offices pillaged, and creditors are defrauded, they are as valiant as ancient Pistol; and when the hour comes, as threatened by their papers, when Dr. Kenealy is to be hissed and hunted down, we have no doubt that they will play their parts in that ignoble species of attack with the most absolute perfection. Amen! So be it. If the Speaker allows the House of Commons to be disgraced and degraded, as it will be before the world should this take place, it will be no affair of ours.”

He would not have brought that extract before the House if it had not been that the right hon. Gentleman the Member for Birmingham (Mr. John Bright) called upon the Member for Stoke to bring on his Motion without delay. The Member for Stoke replied that he should wait until the House had a number of such Petitions as the present before it. Now, he wished to point out to the House that the Member for Stoke was going about trading upon the ignorance of those poor people, and telling them palpable lies. The right hon. Gentleman the Member for Birmingham said that the Member for Stoke was returned by the generous and honourable convictions—

MR. SPEAKER: If I caught the observation of the hon. and gallant Member correctly, he said of the hon. Member for Stoke that he went about the country telling palpable lies. I must remind the hon. and gallant Member that such remarks are not Parliamentary.

Colonel Loyd Lindsay

COLONEL LOYD LINDSAY said, he was afraid he had confounded what he had intended to say with the article in the paper for which the Member for Stoke was responsible as editor. He intended to have said that that paper put forth those falsehoods, and he withdrew the words imputing the language to the Member for Stoke directly. He was at a loss to suggest any mode by which the editor or the printer of this paper could be called to account for his unprincipled conduct; but if any Member would suggest a way he should be happy to co-operate with him in bringing the law to bear upon the offender. He thought forbearance for insults might be carried too far, both by private individuals and by private bodies, and that a public contradiction of such lies as those he had read rested as a duty on some Member of the House.

MR. FAWCETT said, that when he came up to the House he had not made up his mind as to the way in which he should vote, though he thought it most probable he should vote for the reception of the Petition. But without in the slightest degree wishing to infringe the freedom of petitioning or denying the undoubted right of the people to petition, he intended, having heard the debate, to vote for the proposition of the Government. He thought that if a division could be avoided, a certain amount of painful feeling in the country might also be avoided; and on that ground he would appeal to the hon. Member for Carlisle to withdraw his Motion. Something had been said in palliation of that part of the Petition which referred to the right hon. Gentleman in the Chair of the House. It had been said that the charge was only made by implication. The fact that the charge was only made by implication made it only the more cowardly. He believed that the hon. Member for Stoke would soon find that, although he might have a certain following now and receive cheers at public meetings, there was nothing that the English people liked so much as a man to have the courage of his opinions. Sooner or later he would find that those who crowded round him now would be the first to denounce his conduct if, feeling half what he had said he felt about three of the Judges of the land and other distinguished people, he lost a single

day—nay, a single hour—in bringing forward those charges in the best of all tribunals, where they could be supported or refuted—the House of Commons.

SIR WILFRID LAWSON observed, that if he withdrew his Amendment he would not thereby save the House the trouble of dividing, as his hon. Friend the Member for Leicester (Mr. P. A. Taylor) was determined to divide the House.

MR. SPEAKER: It is for the House, and not for me, to judge and determine whether the Petition now under the consideration of the House should lie upon the Table, and thus become one of the permanent records of the House. The House has always maintained the undoubted Constitutional right of the people to complain of grievances, and to pray for their redress; but that right may be abused, and the question for the consideration of the House now is whether the petitioners in the present case have or have not abused the right of petitioning which they undoubtedly possess. With respect to the Petition, so far as it relates to myself, with the permission of the House, I decline to take any notice of it, because I am wholly indifferent to such attacks so long as I enjoy the confidence and approval of this House.

Previous Question put.

The House divided:—Ayes 391; Noes 11: Majority 380.

Main Question put, and *agreed to*.

Order that the Petition from Prittlewell and neighbourhood [presented 6th April] do lie upon the Table, read, and *discharged*.

NOES.

Biggar, J. G.	O'Sullivan, W. H.
Dilke, Sir C. W.	Potter, T. B.
Dillwyn, L. L.	Ronayne, J. P.
Hopwood, C. H.	Whalley, G. H.
Kenealy, Dr.	TELLERS.
Macdonald, A.	Lawson, Sir W.
Mundella, A. J.	Taylor, P. A.

COLONEL LOYD LINDSAY: I beg to give Notice that to-morrow I propose to ask the hon. Member for Stoke-on-Trent if he will name a day when he intends to proceed with his Motion?

MR. WADDY: I beg to give Notice that on Tuesday I will ask the hon. Member for Stoke-on-Trent whether he is prepared to give the names of those

Members of Parliament to whom Petitions have been sent, and which Petitions have not been presented?

WAYS AND MEANS—FINANCIAL STATEMENT.—COMMITTEE.

WAYS AND MEANS *considered* in Committee.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER: I am afraid, Mr. Raikes, that the exciting overture which has just concluded is not a very encouraging one for the tame speech and uninteresting details to which I shall have to invite the attention of the Committee. But I have at least this consolation—that the state of our finances in the present year is, happily, not such as to cause any great anxiety, or to occasion much alarm, in the mind of the House; and although I hope that I may be favoured with the attention of hon. Members for the few remarks which I shall have to make upon the condition and prospects of the Revenue, and the arrangements which I shall invite the Committee to co-operate in, still, there will be nothing which is likely to cause any very considerable excitement.

Sir, the income of the year 1874-5, which has just terminated, was estimated by me, when I brought forward the Budget last year, at £74,425,000, and it has proved in the result to be £74,921,873, showing a surplus—an increase of Revenue beyond the estimate—of £496,873. The Expenditure Estimate in the Budget was £73,958,000. The Estimate as it stood in the Appropriation Act passed at the close of the Session, was £74,083,527, and the expenditure in the result was £74,328,040, exceeding, as a result, the Budget Estimate by £370,040, and the Appropriation Act Estimate by £244,513. The surplus, which in the Budget Estimate I took at £467,000, and at the time of the Appropriation Act at £342,000, has proved to be £593,833, being more than the Budget Estimate by £126,000, and more than the Appropriation Estimate by £251,000.

Now, Sir, I think that this is a statement which, upon the whole, may fairly be described as a satisfactory result of the year. I am aware that in some quarters criticisms have been passed, and dissatisfaction has been expressed; but I hope I am not wrong in attributing

that to the proverbial love of grumbling which prevails among Englishmen, and to some natural feeling in a few quarters, perhaps, of disappointment—agreeable disappointment, of course, I mean—of many of the predictions which were freely indulged in in the course of the year. I have been told that my Estimates last year were exceedingly over sanguine—that the position into which I led the House and the country in the matter of finance was a perilous one, and that if it had not been for the happy accident, or, as I should rather say, the happy Providence of an exceedingly good harvest, we might have found ourselves landed in a most terrible and disastrous deficiency. I think it will be seen that these complaints have been somewhat exaggerated. I cannot say that there were no mistakes in the Estimates of last year, no mistakes in details. I admit there were some mistakes; and I suppose there never was a Budget in which some mistakes were not made—some errors on one side or the other. But I think those who candidly consider the general results of the Budget will admit that the errors on the present occasion were not of a very serious or dangerous character; and I must frankly say that, as to the idea of there having been any danger of a serious deficiency, such an idea was something in the nature of a delusion. It is said that we should be in a more comfortable position at the present time if we had taken a less sanguine Estimate last year. If by that it is meant that we should be in a more pleasant and comfortable position if we had kept the Income Tax at 3*d.* instead of 2*d.*, and extracted something like £2,000,000 more than was required from the pockets of the people in order to show a great surplus now of between £2,000,000 and £3,000,000, and so have the pleasure of taking off taxation, I must say that is a view I do not concur in. I am better pleased to think that the money has been left in the pockets of the people, than that I should have to come forward on this occasion and parade before the House a very large and handsome surplus. I would rather stand in a reverse position to that of a gentleman we read of, who was believed to be distinguished at Athens, but who, being a miser, was despised. He found himself unpopular with the

people, and when he ventured abroad he was hissed; but he used to console himself when he went home by looking at the huge sums of money in his cash-box. I, on the other hand, console myself—whatever may be the hisses of a few instructors of public opinion—with the reflection that the money is not in my cash-box, but in the pockets of the people.

Sir, I am told that the Estimates, though they have in the gross been fairly justified, were in detail very erroneous. I should like just to say a word on that subject. The Customs Estimate has very considerably exceeded my expectation; and the Excise Estimate has by a less considerable amount fallen short of my Estimate. But I think I did on one occasion last year say that which I know has been frequently and justly said by other Chancellors of the Exchequer, that in estimating your Revenue you ought to take, in practice, Customs and Excise together. Because your Estimate is founded very much upon a calculation of the power and ability of the people to consume taxable articles, and those articles are to be found not under the head of Excise alone, but under the head of Customs also; and I certainly myself expected that if there should be any deficiency on one of these heads, it would probably be made up by a surplus on the other. And so it has proved, and very naturally proved. In the first place, let me ask where has the deficiency been? There has been a deficiency, and a considerable one, in the result of the Estimate for Spirits in the Excise Revenue. But, on the other hand, there is a remarkable excess in Customs, also under the head of Spirits; and if we carefully look into the peculiar circumstances of the case, you will find that that is owing to a rather remarkable cause. There was a very good potato harvest in this country last year; there was also a good potato harvest in Germany. When there is a deficient potato harvest in this country, large quantities of potatoes are imported from abroad, but there happening to be a large potato harvest here, that quantity of potatoes was not needed in the form of vegetables. The consequence was that a very large quantity of potato spirit was made in Germany and sent into this country; that potato spirit is used for various purposes—very much of it, I believe,

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for methylation; whatever purposes it was used for, it took the place of a large quantity of British spirit; and my friends at the Board of Inland Revenue are a little jealous at finding that their Estimate has fallen short by something like the same amount as that by which the Customs Revenue has exceeded the Customs Estimates; and they say you ought to give us, and not the Customs, credit for this excess of Revenue from rum and from the German spirits. I do not go into this question. I do not think it is worth going into. But there is another consideration, and one which, I think, is so curious that I should like to call the attention of the Committee to it. It is not only the competition of one class of spirits with another, but it is the competition of those articles which pay duty under Customs with those articles which pay duty under Excise to which I wish to call attention. The Revenue from spirits has somewhat disappointed calculations, but the Revenue from tea has very largely exceeded expectations; and it occurred to me that it would be interesting to have a comparison made in order to see whether we had misjudged the consuming power of the people—to have a comparison made of the amount which the public must have been expending in the purchase of tea, which produced a large Revenue this year, with what they must have expended to produce a corresponding amount of Revenue from spirits. I find these remarkable results. The duty on tea produced last year £320,000 more than the year before. That represents an additional consumption of 12,800,000lb. of tea, at 1s. 11d., the average market price in bond in 1874, including the duty, which would cost £1,226,750. If the consumers, instead of spending that £1,226,750 on tea, had spent it on British spirits at 13s. 3d. a gallon, which was the average price for the same period, it would have represented 1,851,700 gallons, and produced an increased Revenue of £925,000. Thus, instead of a Revenue of £320,000 from tea, we should have got, at the same cost to ourselves, £925,000 from the people on spirits. That is remarkably satisfactory. It is satisfactory, in the first place, as showing that tea is to some extent, perhaps, taking the place of spirits; and, secondly, as showing—as I hope we may infer—

that the relief given last year by the reduction of taxation was relief that was especially valuable to that class of the community who are consumers of tea rather than of spirits. I can hardly venture to think that this curious result can be taken as evidence that the great masses of the people who are spirit drinkers have to any great extent given up spirits in favour of tea. But it may be taken as evidence that the class of people who, with their families, are habitually consumers of tea to a much greater extent than of spirits—that is, probably, the lower class which pays income tax, the house duty, and the charges upon persons possessing incomes from £100 to £300 or £400 a-year—were so much relieved by the remissions of last year that they have increased their expenditure in a direction which has led to the result we have witnessed. When I consider how much relief was given by the abolition of the sugar duty, the reduction of the income tax, and in the form of subventions to the rates last year, I cannot help hoping that some cause like that may have been at work, and may have produced the remarkable result to which I have referred.

I am anxious not to detain the Committee by going into figures, although I have them in my hand, which might be interesting as showing what the present condition of the people is. ["Go on!"] If I were not afraid of being wearisome I could read them. ["Go on!"] Well, if the Committee are patient I will quote some of the figures. In the first place, I would observe, in regard to the consumption per head of the population, that, taking the article of tea, in 1872 the consumption per head was 4 lb.; in 1873, it was 4 lb. 1 oz; in 1874, it was 4 lb. 4oz. Of malt the consumption per head in 1872 was 1·93 bushel; in 1873, it had risen to 1·97 bushel; and in 1874, it dropped again to 1·93 bushel. But although the consumption of malt has fallen off this year, the consumption of sugar used for brewing has considerably increased, sugar having, to a considerable extent, come into competition with malt. That may be due partly to the cheapness of sugar, and partly to the high price of barley; for, although last year there was a very abundant wheat harvest, yet the barley harvest, though good in

quality, was not abundant in quantity; and the price of barley has, I think, been higher in proportion to that of wheat than it has been known to be for many years. That circumstance has, doubtless, had some effect. Again, the consumption per head of tobacco has a little increased. In 1872, it was 1 lb. 6 oz.; in 1873, it was 1 lb. 7 oz.; and last year it was also 1 lb. 7 oz. Taking spirits, the increased consumption of which is not, perhaps, an advantage, except financially, the increase has continued, though not at so great a rate as before. In 1872, the consumption per head was 1.14 gallon; in 1873, it was 1.23 gallon; and last year 1.26 gallon. Then I take the Savings Banks. The excess of deposits over withdrawals for the year has been £1,398,000. That is not quite so high an excess as there was in the year before, when it amounted to £1,566,000; still less was it equal to the year 1872, which was £2,470,000. Although there has been a decrease in the rate of the excess, the excess has continued, and the people have apparently been able to deposit their savings in the savings banks. With regard to the number of paupers, I am happy to be able to give a good account. The total number both of indoor and outdoor paupers in England and Scotland last year was 937,000, against 999,000 in the year before. I have not got the return for Ireland upon the whole of these points. I do not know that there are any other figures with which I need trouble the Committee; but, looking at these points, I think that, on the whole, we may say that the condition of the people is fairly satisfactory, and that, although there may be nothing that should be depicted in very glowing colours, yet there is nothing that need cause us any present uneasiness.

As to another head of Revenue, on which there has been a falling off—namely, Stamps—I must freely confess that there was an error in the Estimate. We were, perhaps, too sanguine as to the revival of trade which we hoped for last year; and when I say that on almost every head of Stamps there has been a disappointment in the rather sanguine Estimate of last year—which principally shows itself in Bills of Exchange, on which there has been a loss of £75,000—I admit frankly that the anticipations of last year's Budget were higher than

circumstances have justified. At the same time, although Stamps have fallen nominally £10,000 below the receipts of the previous year, yet that is a small sum in comparison with the size of the Revenue; and when we remember that last year was a peculiar one, because there were two Easters in it, and therefore there was a great number of holidays, when no business was done, I think we may regard the Stamp Revenue as showing something like an equilibrium.

The next item is the Post Office. The Budget Estimate was £5,300,000. The receipts were £5,670,000, or £370,000 over the Estimate. The Committee will bear in mind that all these accounts are accounts not so much of receipts as of Exchequer payments; that they do not represent the exact amount received by any Department of Revenue, but the amount which that Department is able to pay into the Exchequer. That is a distinction with which right hon. Gentlemen and a few others who have studied these subjects are conversant, but I very much doubt whether the general public are always alive to this fact; and that explains some of the wild and altogether unsound conclusions which were occasionally drawn in the course of last year from the statements showing the Exchequer receipts from week to week, because persons would look on them as if they represented the receipt of the Revenue, which was not the case. Many circumstances would make a difference between the two. Undoubtedly, surprise has been expressed that there has been irregularity in the progress of the Revenue from the Post Office. But that is not due to any irregularity in the net receipts, but from the mode in which the Exchequer payments were made. A year or two ago a good many remarks were made as to irregularities in the way in which the Post Office revenues were dealt with, and several rectifications had to be effected in order to bring the Exchequer payments into proper relation with the receipts week by week. I am happy to say those rectifications have now been satisfactorily made, and we may rely upon the payments from the Exchequer to the Post Office, fairly representing the net receipts of that Department. I have here a statement for a good many years past of the Exchequer payments

and the net receipts of the Post Office. I will not trouble the Committee with the figures; but they may take it on my authority that the net receipts represent, on the whole, a very fair and steady rate of progress, much more than is indicated by the Exchequer payments, which have been fluctuating from the cause I have stated. The Committee may also take this on my authority—that the receipt which has been carried to our credit in the present Budget, £5,670,000, represents payments into the Exchequer duly proportioned to the *bond fide* net receipts of the Post Office for the year. The net receipts of 1872 were £5,212,000; in 1873, £5,481,000; and in 1874-5, they are estimated at £5,750,000.

As regards the Telegraph Revenue, I am sorry to say there has been a falling off; and it is of a character which I can only present as illustrating the difficulties of that undertaking. Undoubtedly, the Telegraph Service has not as yet been brought into a remunerative condition. We are not, as yet, really paying our way, or paying anything towards the interest even, of the debt which was incurred for the purchase. And we can only hope that, by exertions that are being made to improve the service and bring it into a more economical state, we may by-and-by set that matter right. The difficulties under which we have to administer a service of that kind—a service which interests everybody, and which leads to demands being made in all directions—are very great indeed. I know well that hon. Members are continually pressed by their constituents to make complaints that proper telegraphic communication is not afforded to this part of the country, or another part, and hon. Gentlemen are very reluctant to accept the answer that the Government cannot afford to deal with the matter. There is a feeling that the Government ought to be able to deal with it, and Government cannot give the answer that private companies could and I am sure did give. This is a point worthy of consideration, not so much in regard to the Telegraph Service itself, in which we are now fairly embarked, and of which we must make the best we can, as in reference to suggestions of acquisitions of other forms of property, and the conduct of other kinds of business, in which I hope the House will

never be led to embark without very carefully weighing the results of this remarkable experiment.

I do not know that there is any other head of Revenue with respect to which I need say anything, except that which is called by the mysterious word “Miscellaneous.” The Committee have observed, no doubt, that the Revenue from “Miscellaneous” has fallen below the Estimate. But I think it right, in perfect frankness, to say that this is not an accident. It was owing to my having given instructions that there should be no haste in calling in certain receipts which might have been paid in before the 31st of March, but which it did not appear necessary to call in, and which it would be better to leave for this year. They amount to something like £300,000. The reason for that step, as I think it is only candid to mention, was this:—Last year we made considerable reductions in taxation. Those reductions were intended to affect the finances, not only of last year, but of this, and among those reductions were considerable subventions to local rates. At the time I brought forward the Budget last year, I over-estimated the proportion of those subventions which would have to be paid within the last financial year. When I found that a great proportion of them would not come in course of payment last year, it appeared to me that we should have for that year a larger surplus than would be necessary, and that the finances of this year might be somewhat embarrassed. I thought, therefore, that it was fair, regarding the two years as one, to give instructions that certain payments which might have come into the Exchequer before the 31st of March should be made afterwards. If those receipts had been called in at the usual time we should have had a surplus of nearly £1,000,000. As it is, the finances of the present year benefit by that arrangement.

Having gone over the Revenue of last year, I do not know that there is anything in the Expenditure which calls for special remark except the point to which I have just referred—namely, the difference between the amount paid for the subventions to different local taxes which were promised last year and were not paid. The total amount on account of local expenditure last year was £512,000, and the amount which stands over for

this year will be an addition of £642,000, making a total for the two years of £1,154,000. One of the items was the subvention or contribution made by decision of this House in aid of the rates on places where the Government has property. I think it right to inform the Committee that the process of ascertaining the amount to be paid for those subventions has been carried on under the immediate direction of the Treasury through one of its officers, Mr. Vincent Griffiths, who has discharged his duty with the greatest care and ability. Very satisfactory settlements have been arrived at with the greater part of the places concerned; with Chatham, where we have a dockyard, arsenal, and barracks; Rochester, Woolwich, Plumstead, Portsmouth, Portsea, Plymouth, Greenwich, Deptford, Sheerness, and, in short, a large number of places which I need not enumerate. The arrangements have been made in a manner which has satisfied the Treasury and has also obtained the assent of the local authorities. I think we may arrive at a very fair and reasonable basis for the settlement of this difficult question by the course adopted. The general feeling of the persons interested in the receipt of those contributions has been consulted, and, at the same time, the Treasury have kept a vigilant eye on the bargain made with a view to the interest of the public. I may mention that the expenditure on the Ashantee Expedition has been closed, and it has been found that the total is only £933,544. It is right that the fact should be put upon record, for it is very much to the credit of the Government which conducted the Expedition.

With respect to the expenditure of the coming year, there will be an increase. I will give the items in the usual manner. The Estimate for the interest of the Debt is £27,215,000. That is £70,000 more than last year, owing partly to the effect of the arrangement made with regard to the Terminable Annuities. The Consolidated Fund Charges will be £1,590,000. And here I ought to apologize to the hon. and learned Member for Oxford (Sir William Harcourt) for not having this year done what he asked us to do—namely, to lay a statement of the Consolidated Fund Charges on the Table, but before I conclude he will see why I have not done so. The

Estimate for the Army is £14,678,000, and for the Army Purchase Commission, £638,000. The Estimate for the Navy is £10,785,000. For the Civil Service it is £12,656,000. I can hardly mention the Civil Service without expressing my thanks to my hon. Friend the Member for Westminster (Mr. W. H. Smith) for the very great pains he has taken in keeping down, as far as possible, the Estimates for the various branches of the Services. The Estimate for the Post Office is £3,036,000; collection of Revenue—Customs and Inland Revenue, £2,694,000; and collection for the Telegraph Service, £1,098,000. The Packet Service Estimate is £878,000, and the total estimated expenditure of the year, £75,268,000. The increase in the Post Office is due to the very considerable advance in the salaries, amounting, since the Estimates of the last Budget were presented, to £117,000 a year. The Packet Service has a decrease of £121,000, which is mainly due to a reduction of subsidies.

I now come to the estimated Revenue of the year. I may say in approaching the Estimates of Revenue, that I propose to build them upon as safe and cautious a principle as I can. I do not think it right altogether to disregard the undoubted fact of the normal growth of Revenue. It is quite certain that for many years past there has been—good years and bad years taken together—a very considerable and, upon the whole, a very steady growth of Revenue. But it should also be borne in mind that although the result of a series of years may be drawn to an average, the results undoubtedly fluctuate from year to year, and therefore it is always necessary for a Chancellor of the Exchequer in reference to the immediate arrangements for a Parliamentary year, to look to the particular circumstances of the moment at which he stands. He may feel confident that any causes which may prejudicially affect the progress of the Revenue will be only of a temporary character, but still he is bound to look to both the present and the future; and although at the present time there is, as I have said, a very fair and reasonable ground for being satisfied with the general condition of the people, still there are causes for prudence and caution. We have not yet seen that revival in trade which we are looking for; and

some of the figures I read to the Committee earlier in my Statement, I think show that we must not look on this year as one likely to be very remarkable for a great advance of the Revenue. At all events, it would not be wise to treat it so. At the same time, I must remind the Committee that this will be in some respects a favourable year. It is Leap Year, which gives us a day more, and makes a considerable addition to the Revenue; and, in the second place, it is a year in which there is no Easter or Good Friday, and therefore it is a model year for the financier.

I have gone very carefully, with the heads of Departments, through the Estimates I am about to submit to the Committee, and I submit them with confidence that they are reasonable Estimates, and such as the Committee may fairly accept, as being neither deliberately too cautious, nor, on the other hand, over-sanguine. I take the Revenue of the Customs, which last year produced £19,289,000, at £19,500,000. I take the Excise at £27,800,000. That is an addition to the Revenue of last year, which was £27,395,000; but it is an addition which has been very carefully calculated, and by which I think we may fairly undertake to stand. Stamps I take at £10,600,000. Last year they produced £10,540,000; but with an extra day this year and the absence of holidays, I think I may take them at £10,600,000 as an equilibrium. The Land Tax and House Duty, which last year produced £2,440,000, I take substantially at the same figure—£2,450,000. The next item is the Income Tax, which produced last year £4,306,000. It has been growing very steadily, and there has been a remarkable increase in the produce of the penny per pound. It is customary to compare the present yield of the penny with what it was when Sir Robert Peel first imposed the tax; but that is not altogether fair, for the tax has since been extended to Ireland, and there have been other changes. Still the growth of the yield has been very remarkable. In the early years of the Income Tax, from 1842 to 1852, when the rate of the tax stood at 7d. in the pound, there were fluctuations from year to year, and the progress of the yield was very small. The yield per penny, which was £800,000 in the first year, had only risen to

£847,000 in the last. In the next period, from 1853 to 1862, when Great Britain and Ireland were included and certain other changes in the assessment were made, the rate rose to £1,030,000 in the first year, and £1,249,000 in the last. In the years since 1863-4, when there have been constant fluctuations in the rate of the tax, as indeed was the case in the preceding period also, there was a steady rise in the value per penny, rising from £1,249,000 in 1862-3 to upwards of £1,900,000 in the year last passed. The explanation of the Income Tax receipt is shortly this:—It was estimated last year upon a scale in which I took the penny as yielding £1,840,000. The tax produced £4,306,000. Undoubtedly the arrears were under-estimated. But the produce of the penny, instead of £1,840,000, was more than £1,900,000; and we take it this year at £1,950,000. The estimate of the assessment at 2d. I take at £3,900,000. I have a statement showing the amount of arrears actually now due and in hand, and I can give to the House the amount outstanding. It was about £800,000 at the beginning of this year, which will be brought in. The sum received from the 1st of April is £319,000. The Post Office I take at £5,750,000, being a moderate increase over the receipts of last year, which were £5,670,000, and fully justified, I think, by the experience we have had. The Telegraph Service I take at £1,200,000; last year it produced £1,120,000. Crown Lands I take at £385,000, the same as last year. The Miscellaneous Estimates I take at £4,100,000, and this will produce a total Revenue of £75,685,000, as against an estimated Expenditure of £75,268,000. We have, therefore, a prospect, on these figures, of a surplus of £417,000. I am bound, however, to say that although the surplus may be estimated at that amount, there will still be some Supplementary Estimates, especially for Irish Education, the precise amount of which I cannot now state, and this must be taken into consideration in deciding on the arrangements for the year. Well, Sir, that may appear a very small and unsatisfactory surplus; but I must remind the Committee that the remissions of taxation made last year were made not for one year but for two, and that a considerable proportion of them are due this year. The total amount of remissions of Imperial taxation last year may

be stated at £3,830,000, and there will be some £490,000 due to this year. A great part of that is due to the balance of the remission of the penny of Income Tax, and a certain portion to the balance of the remission of the Sugar Duties. I forgot to mention that last year we received as the balance of Sugar Duty £68,000; we also received as part of the Horse Tax, in operation in the early part of the year, about £25,000. Something like £90,000 is due to these two heads, and about £400,000 of Income Tax makes a remission for the two years of £4,321,000. With regard to local taxes, the subventions, which are, in fact, remissions of taxation in the form of rates, amounted last year to £512,000, and this year they will be £642,000, making together £1,154,000. The total relief of taxation, Imperial and local, in the two years will thus amount to £5,476,000, of which £1,133,000 will become due in the present year. We must not, therefore, consider that we begin with a surplus of only £417,000; we may rather look at it as though we were beginning the year with a surplus of £1,500,000, and were proposing to give £1,100,000 in remission of taxation. It was pledged beforehand; it comes, nevertheless, out of the finances of the present year. We thus arrive at a surplus of £417,000, subject to some deductions in the way of Supplementary Estimates. Every pains will be taken to keep them low, and I have no reason to suppose they will be of great consequence. Even if the surplus could be taken at the full amount of £417,000, the House and the country would be satisfied it was not a case in which we ought to think of any reductions or remissions of taxation. I must mention two small re-adjustments which we propose to make. The most important is what I practically promised last week in the discussion upon Brewers' Licences. I have carefully re-considered the scale of those licences, and I am satisfied that the scale as it at present stands is not fair to the small brewer, and that it weighs heavily upon him in comparison with large brewers. I therefore propose that the present scale shall be superseded by a scale of a uniform character, in which the charge shall be at the rate of 12s. 6d. for every 50 barrels brewed. The effect will be that nobody will be a loser, and the small brewers will be gainers. The result to the Revenue will

be a loss of £60,000. With regard to any other remission, and especially with regard to the suggestion which was made, and which I said I would consider, without pledging myself on the subject—namely, the postponement of the payment of any portion of the duty—I find myself unable financially to attempt such a thing: and, after all, it is clear it would be a mere gift to the brewers, and that those who would profit by it most would be the large, and not the small brewers. I therefore consider it will not be in my power to make any offer of the kind. I content myself with remedying what appears to me to be a decided injustice in the scale. This is the only re-adjustment which will cost anything to the Exchequer. There is another small re-adjustment which I propose to make, and which, so far as I can judge, will produce no financial effect—it relates to one of the Stamp Duties. As the Committee will remember, last year attention was called to the heavy Stamp Duty which the Lord Lieutenant of Ireland and other officers were called upon to pay in respect of their appointments; and it was then stated that the Government were looking into this question of the Stamp Duties. They are in a very unsatisfactory position. The present state of the law is that a duty of £5 per cent, with smaller ratios upon small incomes, is charged upon the first year's value of every appointment made in writing; while appointments which are not made in writing pay nothing. That applies not only to the public service, but also to all private employments; and, although I do not suppose the Stamp Duty is always rigorously paid, it is certain that, under the regulations, all such persons as secretaries of railway companies, clerks in banks, and persons accepting any kind of private appointments made in writing would have to pay a duty of £5 per cent upon the first year's income. In the public service that operates in a most extraordinary and unequal manner. There are certain appointments which must be made in writing, and which are so taxed. There are certain others of equal or higher value not made in writing, and which escape being taxed. I am speaking not only of political appointments, but of appointments in the permanent Civil Service. The Controller of the

National Debt Office has been challenged by the Auditor General, and has been told he is liable to stamp duty on his appointment. The permanent Assistant Secretary to the Treasury, who receives a higher salary, is not appointed by writing, and he pays nothing. This uncertainty is very inconvenient, and I propose we should solve the difficulty by largely reducing the amount of the tax, which is really unreasonable, by making it uniform, and, so far as relates to the Civil Service, making it a rule that all appointments shall be made in writing. The proposal, therefore, is that the charge, instead of £5, be 5s. per £100 of the first year's salary. That will be a very moderate tax on first appointments, which those who are appointed will generally be willing to pay. This arrangement will have an incidental effect upon Civil Service appointments in this wise. We now appoint young men upon probation, and the understanding of that probationary employment is that if the person is found after 6 or 12 months to be unfit for the employment he is to be told that he cannot have the office and that he must look out elsewhere. This is a very invidious duty for the head of an office to perform, and it is very often not performed. Now, if the rule is made that every man upon his appointment should receive a writing, and pay a small stamp duty on it, it would be easy to see that a person would not pay upon an appointment on probation. This is an incidental advantage; but the object of the proposal is to get rid of the inconvenience to which I have referred. [An hon. MEMBER: Will it apply to the Chancellor of the Exchequer?] It will; but it is not to be retrospective. We have thus reduced the moderate surplus of £417,000 to £357,000. As I said, looking to our general position, further remissions are impossible. Although there are no remissions, I may be asked whether there are any re-adjustments. I really do not think it would be agreeable to the Committee, to Parliament, or to the country that in the present state of our finances and of our taxation, we should attempt to revise the system under which we find ourselves—that being, as I may say in general terms, pretty well off, we should attempt to make revisions, in the hope of finding ourselves in a better position, but with the chance of finding our-

selves in a worse position in the end. I do not mean to say that the present financial arrangements of the country and our fiscal system are absolutely without blot; I do not mean to say that our system is ideally the best that could be proposed. I am not prepared to say that in the years before us there may not arise cases for modifications and improvements in our system; but I do think we may fairly hold up our heads and say that there is no great cry or urgent necessity for any great reform or re-adjustment in our system of taxation. Looking back for a considerable period of time, we have seen how one tax after another which pressed upon national industry has been removed, and how in one way or another great relief has been given to the public. I do not say that there are not taxes that are disagreeable to those who pay them; but I doubt whether there are any that can be fairly said to be injurious to the public interests of the country. There is, no doubt, a good deal of feeling which exists in reference to one tax. It is one that the Committee have heard a good deal of for many years, and it is, perhaps, one upon which my Estimate of our financial condition might by some be challenged—I refer to the Income Tax. Last year we claimed that, considering how recently we had acceded to office, and considering the position of the finances, we might reserve our opinions with regard to this tax. I do not think that it would be candid to attempt to make a case with regard to that tax in exactly the same spirit now. Of course, we have been obliged to consider it, and whether it would be desirable to do that which it is quite possible to do—to make arrangements and re-adjustments by which we may dispense with it, or materially modify it. The Income Tax has its merits and demerits. It has merits as a war tax, for it raises enormously the power of the country, with reference to any strain upon our military resources. We all know, also, that it has merits as an engine for effecting great reforms in our system of taxation, and that what has been done with its assistance during the last 30 years has been work of a very important character. This could not have been carried out if it had not been for the assistance derived from the Income Tax.

On the other hand, I admit the objections which are raised against it and against the inequality in its incidence. It is, no doubt, a tax unequal in its incidence, and with all respect for my right hon. Friend the Member for the City of London (Mr. Hubbard), who has hopes of getting rid of these inequalities and of making it fair for everyone, I must say I am afraid that those inequalities are inherent in the nature of the tax, and that it is impossible to do more than shift the inequality from one quarter to another. There are also other objections to it which are undoubtedly patent, as, for example, the disagreeable manner in which it presses upon certain classes of people, and especially upon those who have to undergo what they call an inquisitorial examination of their affairs. But I am afraid that if you are to keep the tax at all, it will be exceedingly difficult, if not impossible, to divest it of this inquisitorial character. Something might be done to mitigate it, and, undoubtedly, whatever can be done, it is our wish to do. Anything we can do to mitigate these objections, and to make the pressure less felt, it will be our duty to do; but I cannot hold out any glowing hope of our being able to remove all such objections. These objections against the tax, however, press a great deal more against the tax when it is high than when it is low. Certainly, if we look at the tax with reference to its inequality, there is no doubt that this objection fades almost into insignificance when you keep the tax at a low rate; because though it might be exceedingly unfair if you raised the whole or the greater part of your Revenue by it, the unfairness on particular persons is very much less when you are only raising an insignificant proportion of your Revenue by it. I may also say that there is another objection which has been felt against the Income Tax, and that is the uncertainty which has attended for many years the use to which it was put and the rate at which it was likely to be levied from year to year. When a man was unable to say whether the Income Tax of the coming year would be 8*d.* or 10*d.* or 1*s.* in the pound—when the Chancellor of the Exchequer, whatever the state of the finances of the year, might come down and say he had great reforms to propose and great experiments to make, and when he might propose, at a mo-

ment's notice, to double the Income Tax—then, undoubtedly, the tax was much harder and more oppressive than it could be if it were kept low, uniform, and, as far as possible, steady. Now, if we have not made our fiscal system perfect, we have gone so far in that direction that with a prospect before us of a fair annual growth of the Revenue and a reasonable hope and trust in the prosperity of the country, we may say that this use of the Income Tax may be considered to be at an end. We may, in asking you to renew the Income Tax at 2*d.* in the pound, do so with the hope and belief that it may be regarded as a tax useful in point of amount, but as held in abeyance—ready only for some great emergency, and not to be called upon for trivial occasions.

That being the state of the finances generally, there is one subject to which I should like to invite the attention of the Committee. The total amount of the National Debt on the 31st of March, 1874, was £779,283,245. On the 31st of March, 1875, it was £775,553,577, showing a diminution of £3,729,668 in the course of a year. But not only has there been this alteration in the total figures of the Debt; there has also been another alteration to which I wish to call attention—that is, as to the form in which the Debt now exists. On the 31st of March, 1874, the Debt was thus composed:—The Funded Debt was £723,514,005; the Terminable Annuities valued in Three per Cent Stock were £51,289,640; and the Unfunded Debt was £4,479,600. On the 31st of March, 1875, that Debt was diminished from £723,514,000 to £714,000,000, or nearly £715,000,000; while the Terminable Annuities valued in Three per Cent Stock had risen from £51,289,640 to £55,358,722. The Unfunded Debt had also risen to £5,239,300. It is obvious that that change involves a reduction of the Funded Debt, and the increase as represented by Terminable Annuities is due mainly, if not entirely—is due in great part at least—to the new Annuities which we set up last year, and by which we cancelled £7,000,000 Stock on account of the Post Office Savings Banks, and created Annuities of between £400,000 and £500,000. The operations on the Debt during the year were as follows:—We have in the course of the year

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increased the Funded Debt by the creation of Terminable Annuities by an amount equivalent in Stock to £7,000,000. We have increased it by Terminable Annuities on account of Fortifications and Local Barracks, equivalent in Stock to £750,000, and in Exchequer Bonds, issued for local loans, by £1,000,000. I can hardly pass by the subject of Terminable Annuities for Fortifications without saying that the expenditure on that head is practically closed. I am not sure that it is quite closed; but it is very much to the credit of General Sir William Jervois, whose original estimate was rather more than £7,000,000, to state that the amount required has been within that estimate. So much for the increase of the Debt. On the other hand, the Debt was diminished—1, by Stock cancelled by means of Sinking Fund, £831,000; 2, by Stock cancelled in exchange for Savings Banks, amounting to £7,000,000; 3, by Stock cancelled on account of Life, &c., Annuities, £767,000; 4, by equivalent in Stock of capital paid off by Terminable Annuities, about £3,640,000; and 5, by Exchequer Bills paid off, £240,600. The condition of the National Debt is a subject to which the Chancellor of the Exchequer has very frequently addressed the attention of the House of Commons, and it is one upon which I myself made some remarks last year. I am no enthusiast on the subject. I do not take either the extreme view of those who think that everything ought to be sacrificed to the diminution of the Debt, nor of those who represent it as merely a question of buying Consols at 92. I think we ought to make continuous and steady efforts for the reduction of the National Debt, and that our efforts ought not to be violent and spasmodic. They ought to have reference to the general condition of the country and of its taxation. If you are in a state of circumstances in which taxation bears very heavily indeed upon the interests of the country, no doubt it would be a great deal better to devote your energies to reducing taxation instead of devoting them to reducing Debt. But where, on the other hand, our taxation is in a tolerably fair condition, we certainly ought to be doing something in the other direction. I am bound to say that I do not think that this House or that Parliament has any great reason to be proud

of the amount we have expended in the past year in the payment and reduction of Debt. We are doing a good deal, but we are far from doing all that we might do. I take the Estimate for the Debt. We are paying this year £27,200,000 for the Debt; but let us remember that up to the year 1860, our ancestors from the time of the Peace, and ourselves in our earlier days, never paid less than £28,000,000, and often very much more, per annum as a charge for the Debt.

Now, let me turn to a comparison between what we were doing in 1859 and at the present time. In 1859 we were paying £28,673,381 interest on the Debt, while in the year 1874 we paid only £27,094,480, being less by £1,578,000 than we were paying in 1859. But what has happened since 1859? I do not much like the system on which calculations are made as to the net amount of taxes imposed and repealed. There is a good deal of fallacy in that mode of stating the question. But it may be well to remember the remissions in taxation made since that time. The duties have been entirely remitted on the following articles:—Paper, sugar, corn, butter, cheese, eggs, leather, tallow, silk manufactures, rice, wood and timber, and various other articles of less importance. Besides these, the duties have been reduced on various articles. The duty on tea has been reduced from 1*s.* 5*d.* to 6*d.*; on wine from 5*s.* 5*d.* to 2*s.*, and a considerable reduction has been made on the duties on coffee, currants, raisins, and so forth. We must remember that this was when we were paying 5*d.* in the pound on the Income Tax, while we are now only paying 2*d.* If you look at the comparison of the wealth of the country as tested by the yield of the Income Tax, I find that a penny Income Tax in 1859 gave only £1,150,000; whereas in 1874 it gave £1,900,000, or an increase of 65 per cent. There has thus been a decrease of 5 per cent in what we are paying for the reduction of the Debt, and an increase of 65 per cent in the wealth of the country, as measured by the produce of the Income Tax. Well, now, I admit we are doing and have done a good deal in the way of paying off Debt; but I will ask the Committee to recollect what are the different forms in which we have been dealing with the Debt. In the early years after the war

there was a system of Sinking Fund which was established on false principles, and which, although it showed very considerable energy and patriotism on the part of those who bore it, yet, being conducted and supported by loans, it was impossible for us economically to approve. Since 1829 we have acted upon the Debt partly by the present system of Sinking Fund and the application of casual surpluses, and partly by the system of Terminable Annuities and the creation of new Terminable Annuities, which has reduced the Debt at the rate of £800,000 a-year. Now, what has been the effect of the Sinking Fund? It has redeemed about £40,000,000 of Stock, but in the course of years we have added to our Debt for the Irish Famine Loan £8,000,000; for the Crimean War about £35,000,000; for the Slave Compensation £20,000,000; and for the purchase of the Telegraphs £10,000,000; making a total of £73,000,000, against which the Sinking Fund has only provided us with a reduction of £40,000,000. If, therefore, we only had the Sinking Fund and the casual surpluses to trust to we should not have been very successful in our operation upon the Debt. But we have in the same period paid off by the action of Terminable Annuities about £120,000,000, showing the superiority of a regular system of proceeding. Now, I have heard it said that we ought to maintain the principle of the Sinking Fund of 1821, and that anything we may do which differs from the Sinking Fund of 1829 is false in principle. We are continually told, and it is quite true—indeed, an axiom in finance—that the only way of relief is by the surplus of Revenue over Expenditure. Nobody since the Finance Committee of 1828, at all events, or for several years before, has doubted the absolute truth of that axiom that we can only redeem Debt by the surplus of Revenue over Expenditure. But it does not follow that you can do that only by those casual surpluses. Well, Terminable Annuities are, no doubt, very useful and very advantageous; but there are drawbacks to that system. In the first place, we know quite well that if you went into the open market and attempted to redeem any considerable amount of Debt by creating Terminable Annuities, you would not find them taken up, or, at all events, not

upon terms which would satisfactorily carry through the operation. You are therefore obliged to have recourse to money which is under your own control—money which comes from the Savings Banks, and to invest that in Terminable Annuities, and so cancel your Stock. Well, *primò facie*, one would say that you are making use of money which is national money, entrusted to you for the purpose of making a proper use of it and of paying the depositors interest for it—at first sight one would say you are not as a Government making the best possible use of those deposits, for you invest them largely in what would be in the open market an unprofitable security. There is, of course, no doubt Terminable Annuities are a less disadvantageous investment for those Savings Bank monies than if they were offered in the open market. But I have another objection and a more serious one to the operation of Terminable Annuities, and it is, that they produce a kind of spasmodic action. You are paying a large sum in the shape of Annuities which in 10 years hence will suddenly fall in, and you will be relieved of the payment of about £5,000,000 a-year, which will come into the hands of the Chancellor of the Exchequer of the day, who must consider what he will do with it. Well, now, Sir, we have had experience on this subject. I refer, first of all, to the Long Annuities which fell in in 1860, and which amounted to £2,000,000 a-year. On that occasion my right hon. Friend the Member for Greenwich (Mr. Gladstone) brought forward a new Budget, with an entirely new plan of finance, involving very large remissions of taxation, against which I do not wish to say a word. They were large remissions—boons to the taxpayer which my right hon. Friend was able to give to a great extent by the reduction of the interest charged upon the Debt from above £28,000,000 to a little more than £26,000,000, and it has taken us all this time to get the charge up again to £27,000,000. Well, the same thing, but on a larger scale, will happen in 1885, and not only will there be a great temptation to make use of the windfall, as I may call it, in the same way; but you will find, if you attempt to set up a large amount of fresh Annuities, a great difficulty in obtaining stock enough to cancel at once by means of the creation

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of such Annuities. Therefore, I wish the Committee to consider whether it is not possible to devise some plan which might put us upon a way of securing a more regular, more constant, and more stable action upon the National Debt. Sir, the proposal I have to make is this—I propose that we should set before us an object to be accomplished. It cannot be done this year; but it may be done by two steps that we should arrive at a point of making the charge for our Debt the same amount which it was before 1860—that is to say, bringing it up to £28,000,000 a-year—I say what I propose is that, instead of applying our surplus simply to redeem the Debt, and giving ourselves the advantage of the saving of interest on the Debt so redeemed, we should keep the charge at the fixed amount of £28,000,000 a-year permanently, by Act of Parliament; that we should pay £28,000,000 a-year to the Commissioners for the Reduction of the National Debt, and that they should apply the balance above what was required for payment of the Debt in the year to the redemption of stock. The rate at which I should propose to proceed would be this—I should propose to fix the amount that we should charge for the present year at £27,400,000: I think our finances will bear that. For the next year, 1876-7, I propose to fix it at £27,700,000, and for the year 1877-8 at £28,000,000. I have no doubt, under ordinary circumstances and with the ordinary growth of Revenue, we shall be very easily able, without any distress to the country, to bring up the charge for Debt to that amount. Well, I shall be asked what would be the operation of that plan, and I may say that though I use these figures with some little hesitation, yet they are figures which I think the Committee will accept with the understanding that they must not be taken as being absolutely certain, for the reason that if you were to continue to operate largely upon your Debt for a considerable number of years, you would probably affect the rate of interest and the operations in the Funds; and these calculations are made upon the assumption that the price of Funds shall continue stationary throughout the operation. Well, assuming that, you would, taking the price of Funds at the average of the last 30 years, have reduced by the end of the year 1885 £6,800,000 of Stock, and in 30 years

you would have reduced £162,000,000 of Stock. But, assuming besides that, as I think we fairly may, the surplus Revenue would keep at the average of £500,000, assuming also that Stock cancelled by Life Annuities and Land Tax redemption continue at their present rate, about £770,000 a-year, the following amounts of Stock will be cancelled:—By 1885 you will have cancelled £21,000,000, and in 30 years from this time you will have cancelled no less than £213,000,000. Well, Sir, these are large figures, which appeal a good deal to the imagination, and which, I fear, although they might in former times have had an effect favourable to my proposal, may, at the present time, have a somewhat contrary bearing. I am quite aware, when I make a proposal which involves something which looks like the principle of the old Sinking Fund, although under very different circumstances, that I shall waken up old prejudices which have prevailed for many years against that principle. But, Sir, I wish most distinctly to remind the Committee that the proposal which I make is one wholly and entirely free from the evils which attach to the Sinking Fund of Dr. Price. I will take the liberty of reading a very short extract from one of Dr. Price's works, which will show the absurdity of the calculations on which his scheme was founded. He said—

“Let a State be supposed to run in debt £2,000,000 annually, for which it pays 4 per cent interest, in 70 years a debt of £140,000,000 would be incurred, but an appropriation of £400,000 per annum, employed in manner of a Sinking Fund, at compound interest, would, at the end of this term, leave the nation beforehand £6,000,000.”

So that, while the nation was supposed to be borrowing £2,000,000 a-year, it would, in fact, at the end of 70 years, have £6,000,000 in place of this liability by the operation of this marvellous Sinking Fund. But when that was submitted to a proper arithmetical test, it broke down at once. I will now quote from a very different authority. One of the last and heaviest blows which was struck at the old Sinking Fund was struck by Lord Grenville, in a pamphlet written in 1826 or 1827. Disagreeing as he did with the views of Dr. Price, he made this important admission, that—

“Possessing an effective and permanent surplus, a State may maintain a Sinking Fund even

at compound interest without resorting to still further taxation. The fixed allowance and the successively redeemed Annuities which compose the Fund will severally continue to be defrayed from the same revenues as before, and by the progressive addition of those Annuities to the fund itself, it may ultimately be carried to any extent not exceeding their amount."

That is a description of a Sinking Fund such as I propose to establish. Lord Grenville did not advocate its establishment at the time he was speaking, because he considered that the pressure of taxation was then so great that he desired to devote the first energies of the Government and of Parliament to the reduction of taxation, with the view of setting free our various industries. Our position at the present moment is very different. We hope that we have attained such a position where we may consider that we have an effective and permanent surplus, which we may fairly ask the House to devote in the manner I have proposed to the reduction of our Debt. I may, of course, be met by a different kind of objection. I may be told—"Do this, if you please; but you will never be able to bind future Parliaments, and the very first time that a Chancellor of the Exchequer wants to raise an additional Revenue without increasing taxation he will put an end to your Sinking Fund, and will shatter all your dreams of reducing the National Debt by some hundreds of millions." That may be perfectly true; and I say that, under circumstances different from the present, it would be a very reasonable thing for a Chancellor of the Exchequer to do. If the circumstances of the country should materially alter, it would only be right that we should take steps to take off that which we now propose to put on, in view of the present and the probable immediate future of the country. One thing is quite clear—that if we do not put it on, it will certainly come to nothing, and that we shall be in the position of the gentleman who would never wind up his watch because if he did not wind it up it would never stop. Notwithstanding all the objections to the scheme, however, I still think that the experiment is worth making; because few Chancellors of the Exchequer would like to come down to this House and propose the repeal of an Act of Parliament establishing a Sinking Fund of this character, on the plea that they did

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not like to increase the taxation of the country, unless they had very good reasons for making such a proposition. But we do not argue *a priori* only; we have experience to guide us. What I am asking you to do is not to do a new thing, but to continue that of which we have experience. We have the Terminable Annuities, and if there are Gentlemen who say that these Terminable Annuities are excellent things, and that it would be a pity to disturb them, my reply is that we do not wish to disturb them. Within the limit of our £28,000,000 a-year we shall be able to create as many Terminable Annuities as we please, by means of turning so much Stock into them. On the whole, therefore, I submit that there are really no practical objections to our undertaking these good and beneficial operations in the present state of our finances. I must, however, further explain that there are two classes of Debt which I wish to keep outside of this fixed sum of £28,000,000. The first of those two classes of Debt comprises our temporary loans. For instance, in the event of the House being disposed to go further in the course that they followed in the case of the building of our fortifications and of our local barracks, and to borrow the sum required for such works for a short period upon Annuities, I propose that such a transaction shall be outside the £28,000,000 in question, so that the operation may be marked, and the House and the country may know what we were doing; for if you did not adopt that course I admit there would be danger, and that you might be disposed to throw the services at large upon this fund, in order to get the money and avoid increasing the taxation. Thus, assuming that the amount of interest payable upon the Debt and upon the Sinking Fund is £28,000,000 a-year, and that the interest payable upon the temporary loan is £50,000, we should put the charge for interest for the year at £28,050,000. Another class of loans which I propose to keep outside of this arrangement are those which we contract for the purpose of lending again to the various local authorities. To some extent such loans involve a mere book-keeping account, because while, on the one hand, we have to pay interest upon them out of the National Exchequer, on the other we receive interest on them, which goes

into the Exchequer again under the head of Miscellaneous Revenue, according to the arrangement of last year. I should, therefore, propose that under the heading of Debt we should bring separately to account the interest upon these local loans. Thus, for the present year, our charge for Debt will stand thus—for Debt, £27,400,000, and for local loans £70,000. I must say a word or two respecting these local loans. For the last two years we have advanced somewhere about £3,000,000 for these purposes, £2,000,000 of which we have paid out of the balances, and £1,000,000 we have raised by means of Exchequer Bonds. Now, we pay $3\frac{1}{2}$ per cent interest upon these Exchequer Bonds, and as we only receive the same interest for the money we so lend, on the whole we are, at all events, not gainers by the transactions. Large and increasing demands under this head are being constantly made upon us, and we shall have in the future to meet the demands for local loans for the purposes of the school boards and under the Artizans Dwellings Bill of my right hon. Friend the Home Secretary. We must, therefore, be prepared to meet demands of this character to the extent of £2,000,000 or £3,000,000 a-year for the next two or three years. I need scarcely say that this is a very unsatisfactory arrangement for the Exchequer, because we only get $3\frac{1}{2}$ per cent, and have to pay $3\frac{1}{2}$ per cent. These, however, are not the only contracts which press hardly upon the Exchequer. In the course of the present Session, and at other times, a remark has been made as to the growing Savings Banks deficiency, and that is, no doubt, a matter which ought to receive consideration. The state of the case with regard to the Savings Banks is this. In November of last year, when the accounts were made up, the amount due to the Trustees of the old Savings Banks was £41,826,000, as against £38,463,000 in hand. You will find, therefore, that there was a deficiency of £3,363,000. I have not got the Returns for the Post Office Savings Banks, because they are not yet made up; but, generally speaking, they do not show any deficiency; on the contrary, they show a considerable surplus. The deficiency on the old Savings Banks account arose from our paying those banks a higher rate of interest than we were

earning, and that deficiency has accumulated until it has reached its present proportions. At present we do not pay the Savings Banks a larger rate of interest than we are earning, and if we could once get rid of the deficiency we should be able to pay our way. But, as it is, the interest on the old deficiency goes on accumulating, and the result is that that deficiency increases year by year. It might be got rid of either by issuing Stock equal to its amount, or by placing it upon the Consolidated Fund; or we might reduce the rate of interest to depositors in the Savings Banks. I should, however, be very sorry to reduce the amount of interest paid to the depositors in such banks. Two other courses, however, may be taken which would materially aid us in getting rid of the deficiency in question. One would be to amalgamate the accounts of the old Savings Banks with those of the Post Office Savings Banks, and the other, to give greater facilities for investment. Such facilities for better investments may, I think, easily be found, in connection with local loans. Returning from this digression to the subject of the local loans, I wish to say that, without reference to the question of the interests of the Exchequer in the matter, the system under which the local authorities are borrowing money requires to be very carefully looked into. The total amount of local indebtedness in England at the present time is about £80,000,000; in fact, taking the School Board loans into consideration, it amounts to somewhere about £84,000,000, and it is rapidly increasing, with very little check or control. This is an unsatisfactory state of affairs, and some check ought to be placed upon the further extension of the system. No doubt, Parliament has given authority to these local bodies to borrow money up to a certain extent, and has laid down regulations under which before they are permitted to borrow, they must obtain the sanction of the Treasury, or of the Home Office, or of the Local Government Board, by whom the amount of the loans and the period of repayment are fixed. But, in point of fact, these regulations are most unsatisfactory; and, although a great deal of trouble is given to the local bodies when they wish to borrow, yet when they have once succeeded in borrowing the money nobody looks after

what they are doing in the matter. But not only is the present system objectionable as regards the local bodies, it is still more so as regards those who lend their money to such bodies. The lenders of the money have obligations placed upon them which it is scarcely possible they can fulfil; and therefore they are often in peril of losing their money in consequence of some non-compliance with statutory regulations on the part of the borrowers. The hon. Member for Westminster (Mr. W. H. Smith) has taken a great deal of pains in obtaining for the information of the House a very interesting Return, showing the amounts which have been borrowed by these local bodies and the rate of interest which they pay. Taking the Returns together, we find that out of a sum of £93,000,000 which has been borrowed, and which is represented in those two sets of Returns, only £18,500,000 have been raised at and under 4 per cent; and more than £12,000,000 at above 5 per cent and running up to 6½ per cent. That is a considerable burden upon those localities. I will just state what the proposal is that we have to make with regard to this matter. It is intended to simplify the system under which these local debts are contracted. We propose to introduce a Bill which will have the effect of providing in future that all debt which may be contracted by local authorities shall be in the form of debentures. We propose that those debentures—for which we have the precedent of the Debenture Act passed a few years ago, though not much use has been made of it, and several local Acts—shall be registered at a Government office and authenticated by a stamp, proving that the borrowing power has not been exceeded and that the statutory provisions have been complied with. This will secure a registration of loans that may be contracted hereafter. We desire to bring about a complete system of registration, also, of past indebtedness; but that cannot be done at once. We hope by-and-by to effect that, and ultimately to put the local debt of the country into a state in which it will be freed from many of the inconveniences and complications by which it is now surrounded. There will thus be a simpler mode of borrowing, and the debentures will be of such a character as will make them more popular than the pre-

sent form of mortgage. You cannot now lend money to a Corporation without having a cumbrous mortgage, which involves considerable legal expenditure, difficulty of transfer from hand to hand, and additional cost on every fresh loan. Then we have an interesting and important element in the Local Budgets, which we hope in future years to bring in. I will say only one word before I conclude on that question of Local Budgets. In the present year, of course, we are not in a position to give anything in the nature of an elaborate Local Budget; but I may state that the rates in England and Wales, exclusive of tolls, dues, and duties, amounted in 1870-71 to £17,817,000; in 1871-2 they advanced to £18,035,000; in 1872-3 they advanced further to £18,572,000. The Returns for 1873-4 are not yet complete; but we have every reason to suppose there has been a still further advance; and we may assume without much doubt that if no further subvention had been given from Imperial funds, the present amount of rates, exclusive of tolls and dues, would not be less than £19,000,000. But the additional grants in aid, which come to something like £1,000,000, bring down the amount for the present year to £18,000,000. The grants in England are £2,250,000; the amount raised by rates and dues is £22,000,000, making together a total of £24,250,000. That is exclusive of Scotland and Ireland. We think that the whole system requires more care and attention than it has hitherto received. We desire to extend the annual Returns that are required, so as to make them include loans; we propose to have them sent in before the 25th of March, so as to be in time for the Budget; and we shall also require them to show—what they do not show now—the distribution of the grants in aid. Another point that we aim at is that it is only fair and reasonable, considering the assistance which is now directly given by the Government, and which will be given by the system of registered debentures, that we should insist on introducing an efficient system of audit. We have been accused of doing nothing in the manner of Local Taxation. No doubt we are still a little short of the magnificent promises held out by the noble Lord opposite (the Marquess of Hartington), who promised a relief of £1,200,000; but we have given

£1,154,000, and that is something better than talking about doing so. And although we are not proceeding by leaps and bounds, we are still advancing steadily and safely, and are not losing sight of the question. Last year we introduced the principle of an Imperial subvention for purposes fairly requiring it. We also extended the area of rating by abolishing certain classes of exemptions. This year we are taking a step towards improving the system on which local loans are contracted, giving greater security and greater advantages to the investor; and we are endeavouring to bring about a system which shall be the foundation of a Local Budget. Next year, if not this year, I hope we may be able to take a step further, and that the promise given earlier in the evening by my right hon. Friend the President of the Local Government Board may be redeemed by the introduction of a Valuation Bill that will improve the system of assessment and remove some of the anomalies that now exist. We cannot do more than we have done; but we are honest in our attempts, and we have endeavoured to deal with the subject in the best way we can. If we have not made strides sufficient to satisfy the impatience sometimes manifested on the other side of the House, I hope our friends will believe that we are doing what in us lies, and that what we have done is only an earnest of what we hope in future to do. I must now thank the Committee for the kindness with which they have listened to my rather wearisome statement. I have endeavoured to make our proposals clear. I can only say that if we have aimed at no ambitious re-construction of our fiscal policy, our object has been to consolidate and add stability to our financial system; and we trust that the proposals we have made after careful deliberation will be received with candour and consideration by Parliament and by the country. The right hon. Gentleman concluded by moving the first Resolution.

(1.) Motion made, and Question proposed,

"That, towards raising the Supply granted to Her Majesty, the Duties of Customs now charged on Tea shall continue to be levied and charged on and after the first day of August, one thousand eight hundred and seventy-five, until the first day of August, one thousand

eight hundred and seventy-six, on importation into Great Britain or Ireland (that is to say): on

Tea	s. d.
	the lb. 0 6

MR. CHILDERS: I am quite sure that the concluding words of the statement of the Chancellor of the Exchequer will be re-echoed through all parts of the House—that is to say, that his very interesting statement to-night, which was not more long than interesting, will receive the most candid consideration from every part of the House. Of that statement I hardly know which part was the more interesting. My right hon. Friend gave us very tersely the figures which have appeared in different places, by no means so clearly, as to the progressive advance of the country and the condition of the people, particularly as illustrated by their powers of consumption, so far as those powers can be tested by the Returns of the Customs Department. And that statement must be very re-assuring to many hon. Members and persons outside of this House, who some time ago had doubts whether, in this respect, the condition of the people was so improving as it evidently is. My right hon. Friend, in the latter part of his speech, gave us very clear information as to local taxation, pointing out in what respects the old and cumbrous arrangements for raising money have imposed serious burdens on the people, and showing, I think, to the House excellent remedies—namely, first, that of granting to local bodies those powers of raising money on debenture which are now employed by all bodies requiring loans; and, secondly, that of requiring that the accounts of these bodies should be submitted first of all to public audit and then to public notice, in a manner which will certainly have the effect of greatly improving the financial condition of those bodies and bringing them under the view of Parliament. In all these respects, I do not think any one can have heard my right hon. Friend without receiving very great instruction, and feeling that if this is not a very magnificent Budget, at least it is one which will be of value to all who take a general interest in financial affairs. Now, after stating very candidly—to use my right hon. Friend's words—what appear to me to be the great merits of his statement, I will venture to speak in detail on one or two of the pro-

positions which he has stated to the Committee. I will point out in which respects I think the proposals of my right hon. Friend should receive that deliberate consideration which proposals of that kind deserve at our hands. And I have risen immediately after my right hon. Friend because I ventured late in the past Session to doubt whether, unless there was a greater improvement in the state of the finances, especially in the state of trade then exhibited in the country, the proposals which my right hon. Friend made last Session could be accepted as perfectly safe. In the criticism I made on the proposals of my right hon. Friend, I specially guarded myself by the remark that if the country enjoyed, what then was doubtful, a good harvest, I thought the Estimates of my right hon. Friend would come up to the mark which he had given to the House. Now, having stated that, let me first call the attention of the House to the results of the finances of the last year, 1874-5, as stated by my right hon. Friend, and as they appear by the accounts which were given to us a few days ago. My right hon. Friend has said, and said correctly, that the Revenue has exceeded the Estimate which he placed before the House by £496,000; that the Expenditure has exceeded the Estimate which he proposed by a small amount, an amount less than the excess of the Revenue; and he has stated that the result has been a surplus of £594,000. My right hon. Friend said he thought that, at any rate, was a satisfactory result. Now I do not think

I think, is not altogether satisfactory. Again, I do not think you can find an instance during a long series of years—except in times of war, or apprehension of war—in which the Treasury has allowed the ordinary expenditure of the country to exceed the Budget Estimates of expenditure, unless in a year when the receipts have very greatly exceeded the Budget Estimates of receipts. Such a year was 1863-4, when the Revenue Estimates were some millions below the result. But what is the case as to the present year. I find that my right hon. Friend estimated the payments for the year charged on Supply Votes—not including payments in relief of local taxation—at £44,223,000. The actual expenditure has been £45,649,000, of which sum he just now told us that £512,000 had been paid in relief of local taxation. This leaves the expenditure of the year out of Supply Votes at £45,137,000. It thus appears that my right hon. Friend has expended during the year on the Army, Navy, and Civil Services £914,000 more than he estimated at this time last year. I can hardly regard this as a satisfactory state of finance in a year in which the Customs, Excise, and Stamps produced not more but less than the original Estimate. Let me carry the matter of surplus a little further with reference to the reduction of the National Debt. My right hon. Friend stated that the surplus of last year was £593,000, but as the amount necessary to be paid on account of Fortifications and Army Localization for the year was £600,000

owing to the improved means of communication with foreign countries, and the reduction of our Army in the Colonies, to employ so large a capital; and an Act was passed reducing the amount of the capital of the Treasury Chest to £1,000,000. This sum of £300,000 which, strictly speaking, formed part of the capital of the country, and should, therefore, have contributed to the reduction of the Debt, has been actually treated as if it were ordinary revenue, so that, in fact, adding this amount to the £6,000 already mentioned by me, the actual deficit on the operations of last year was £306,000. My right hon. Friend has stated that there were £300,000 of miscellaneous revenue which might have been paid in just before the end of the last; but the receipt of which he postponed until the beginning of the present, financial year. My right hon. Friend took credit to himself for having done this, on the ground that the reductions of taxation agreed to in the last Session affected not only 1874-5, but also 1875-6. This is true; but I am not quite sure that it is desirable that such a licence as to the time of paying in Revenue should remain in the hands of the Chancellor of the Exchequer. On the other hand, my right hon. Friend admits that he has received a sum of about £300,000 from the Post Office Department beyond the nominal Revenue of the year, this being due, no doubt, to the better arrangements which have been made in the Department in question. These two sums balance each other, so that the real result on the basis established by the Act of George IV. is, as I said before, £300,000 on the wrong side. I now proceed to the Estimate for 1875-6. My right hon. Friend anticipates that, including the £300,000, payment of which was postponed from 1874-5, the receipts for the year will be £75,685,000, and the expenditure £75,268,000, which leave a balance on the credit side of £417,000. In stating the details of estimated expenditure to the House, my right hon. Friend did full justice, which I am very anxious to endorse, to the Secretary of the Treasury, who has exercised his powers with great skill and success in keeping down the expenditure. In some respects he has been fortunate—for instance, during this year some 12 great public buildings, the erection of which had been

carried on at a great expense for four or five previous years, will have been completed, and the commencement of other new buildings has been stopped. What I wish, however, to impress upon my right hon. Friend and the Committee is that, taking everything into consideration, the estimated expenditure of the coming year is £1,330,000 in excess of that which, this time last year, was estimated to be necessary for the year which has just closed. But it will be said, "You have not included the Supplementary Estimates." My answer is they cannot be included now; the only comparison you can make with the Budget Estimate of one year is the Budget Estimate of the preceding year. Now, let us see what the result of my right hon. Friend's proposals will be in actual figures with reference to the surplus of the year. I may say, in passing, that I doubt whether, on the Revenue side, he has not over estimated the Miscellaneous receipts and those of the Post Office. [The CHANCELLOR of the EXCHEQUER: The Post Office is under estimated.] Well, I will accept the statement. First of all, the Estimates omit a large item in the Vote for Irish education, which was stated last year at £118,000. We are told on high authority that it will be more this year, but I leave it at that, though I am sure in that respect I am doing my right hon. Friend more than justice. Then there is the loss of £60,000 on brewers' licences; there is to be an additional charge of £185,000 in connection with the National Debt, and this is not to include £70,000 a-year for interest on advances for local purposes. Now, the four sums added together make £433,000, and the surplus estimated is £417,000, so that my right hon. Friend deliberately proposes to Parliament that this year shall end with a deficit of £16,000. In my Parliamentary experience of 16 years I have known the same thing to be done only once, and in such a humdrum year as the present, it seems to me quite unjustifiable. I have no particular remarks to make at present on the modification of the Brewers' Licences, or the alteration of the fee on appointments, though these questions might, I think, have been dealt with in a bolder manner; but I confess I do not at all like the tendency of the National Debt plan. Careful as my right hon. Friend was to

consultation with him, but that he had neither offered nor been asked for any advice on the subject. He would not detain their Lordships by following the matter up step by step. It would suffice to say that in the result Gardiner was released on the condition which he had already stated. In consequence of what had passed in the Colonial Parliament, on the occasion to which he had just referred, and of some Correspondence with the Colonial Office which begun during his own administration in New South Wales, it was decided by the Governor and his Council that a change should be made in the mode of dealing with the exercise of the Prerogative of mercy by the Governor. In his (the Earl of Belmore's) time the mode was this—capital cases were always dealt with by the Governor in Council, in accordance with fixed Instructions; the presiding Judge reported to the Governor and was summoned to attend the Council; the Judge did so, and his report having been read, he retired after making any necessary explanations; the Governor then ascertained the views of the Members of the Council and then announced his own decision. Similar Instructions, he believed, applied to all Colonies. No alteration was proposed by Sir Hercules Robinson as regarded that class of cases. But in other cases, a memorial for remission would be sent to the Governor or to the Colonial Secretary; it would be referred for report to the Judge or magistrate who had dealt with the case, and the Colonial Secretary would then send it to the Governor with his initials—generally, without remark, but sometimes with a recommendation. Such was the practice in his time: and on the receipt of the report from the Colonial Secretary, he would have dealt with it on his own judgment—of course, carefully considering any advice offered by the Ministry, but still acting on his own responsibility, and not merely, as in nearly all civil business—in all except where a special duty was imposed by law—ministerially. Now, as he understood the proposed change, it was intended that in future the Governor of New South Wales was in such cases to act merely ministerially. Why was this? The practice which he had explained to their Lordships as having prevailed in his time had worked exceedingly well. In a community among

The Earl of Belmore

whom political changes were frequent, it ensured that an experienced person should deal finally with that class of business for a lengthened period, and it relieved the Minister from a great deal of outside pressure. Something had been made of an expression in a despatch written by his noble Friend opposite (the Earl of Kimberley) to him, in which the noble Earl said he recognised the right of the Minister to give "effective advice." No doubt he did, and very properly; but his noble Friend did not mean, as he understood him, that the advice so given was to override the deliberate judgment of the Governor, or that the latter was not to exercise his own judgment. It might be that in other Colonies all the criminal business was dealt with in Council; but, even if so, he did not think that the Governor was really relieved from a personal responsibility in each case; and he expected to hear from his noble Friend (the Earl of Carnarvon) that he had not sanctioned any such doctrine. The Governor had hitherto stood in the position of the Home Secretary, and the effect of the change proposed would be to transfer the Home Secretary's position to a Colonial Minister. It was to be observed that such an exercise of a personal responsibility by the Government as that which he had explained to their Lordships was quite consistent with a rule that he should never pardon without first having received the advice of his Ministers; but it certainly was opposed to the practice which he had to-day learnt prevailed in South Australia—namely, that no remission should be given to a prisoner without the assent of the Minister, who accepted the responsibility in the local Parliament. He might mention that having had the opportunity of knowing how the business of the Home Office was conducted, he used to consider that the system at that office lent less to leniency than that which was practised in New South Wales. He would now put the Question of his noble Friend, and move the Address to Her Majesty of which he had given Notice.

Moved that an humble Address be presented to Her Majesty for, Copies or extracts of so much of the commissions and instructions to the Governor-General of Canada and the Governor of New South Wales respectively, as relate to the exercise of the Royal Prerogative of Mercy; and also, Copies or extracts of the correspondence

ry) with the Secretary of State bearing subject in connexion with the commission of the respective sentences upon Lopine and Gardiner in New South Wales.—*of Belmore.*)

LISGAR trusted that their would favour him with their for a few remarks, inasmuch as the Correspondence which had been laid on the Table, in connection with the Exercise of the Prerogative of Mercy in New South Wales," his name as a former Governor of New South Wales was mentioned more than once. It so happened that he was at the time in the administration of affairs in New South Wales, one of the convicts named in the noble Earl's Notice, ought to be tried; and in Canada an unfortunate man Scott was executed, for which atrocious cruelty the other convict named in the Notice afterwards made amenable to the charge of murder. He was very much gratified that the Correspondence showed a great concurrence of opinion, and the weight of authority—namely, the noble Earls (Earls Granville and Kimberley) who had held the Colonial Office, as that of the noble Earl opposite (the Earl of Carnarvon) succeeded them and was now in New South Wales in favour of maintaining the Prerogative of Mercy. In the Lords on their Lordships' Table the noble Earl the present Secretary of State for the Colonies laid down the doctrine in that—

Governor, like the Home Secretary, is selected by the Sovereign as the depository of this Prerogative, which was not from the Crown by any general delegation only confided as a matter of high importance to individuals whom the Crown commends to that purpose."

The noble Earl, therefore, held that the Ministers were responsible for the exercise of the Prerogative of Mercy; the Governor, the latter could not disavow himself of the personal responsibility which was specially entrusted to him.

He concurred in that view; and in reference to New South Wales he quite agreed with Mr. Parkes, Colonial Secretary, when he stated, in the close of his Minute, grounds of objection to Mr. Robertson's view, that which he himself seemed to put forward partially at least. Mr. Robertson remarked—

"That he entertained grave doubts whether any change at present from the system which had hitherto prevailed would be beneficial to the colony. In a community so small as theirs the distinctions between classes were very slight; the persons entrusted with authority and the relatives and friends of prisoners move closely together; the means of political pressure were easily accessible, and, therefore, a larger share by the Minister in the exercise of the prerogative of pardon would not, in his judgment, be more satisfactory to the public."

He could not indeed say that society as it presented itself to him in Sydney bore out in his opinion the description given by Mr. Parkes, or that he could recognize in the wealthy, educated, and fashionably attired companies with which he had mixed, the friends of convicts. Still he knew that "the means of political pressure were easily accessible" and only too frequently resorted to. When he took up the Government of New South Wales he learnt that under the Governorship of Sir William Denison during the previous four years, at the commencement of which the free Constitution came into play, and during which free representative institutions were in their infancy the pressure for the remission of sentences brought to bear on the new Members of Parliament was well nigh intolerable; during the seven years that he himself was Governor of New South Wales he had not, in any one case, as far as he could now recollect, omitted to avail himself of the advice of the Colonial Secretary or the Attorney General, and he did not find any difficulty to arise from that practice; but he was not prepared to take the view of Sir Hercules Robinson that the responsibility might be left to devolve upon the Colonial Secretary. Sir Hercules Robinson thought that abuses would speedily pass away after the Colonial Secretary had been invested with that responsibility. He could not concur in that opinion. Undoubtedly, with the formation of a sound public opinion abuses would rapidly cease, but he doubted much whether, if the proposed system were adopted in New South Wales, that colony would not have to pass through the ordeal which the United States had been experiencing for 70 years past, and from which it had not yet emerged. In the United States scarcely one-third of the sentences pronounced were carried out by the authorities, and he ventured to say that the most thinking people in that country would prefer to have the prerogative of

mercy exercised as it was in the British Colonies, if only they could have it so by some independent impartial authority like a British Colonial Governor, who would prefer the interests of justice and the security of property to the fancied advancement of party or political influences. As to the case of Lepine he differed from the noble Earl opposite, and thought that Lord Dufferin was deserving of high praise. He had come forward at the right time and in the right spirit, and by his mode of action put an end to what had threatened at one time to be an acrimonious and interminable quarrel between the French-speaking and the English-speaking population of the Dominion.

THE EARL OF CARNARVON: My Lords, I am glad the noble Lord opposite (Lord Lisgar) interposed his observations between the speech of my noble Friend and the reply I have to make to the inquiries which he made of Her Majesty's Government, because his doing so enabled him to express that well-deserved praise which he bestowed on my noble Friend the Governor of Canada. I shall say as little as possible on the question of Lepine, because I agree with those who think that it touches on most delicate ground, and that any imprudence with respect to it here might conjure up a good deal of the bad feeling which existed in Canada, and which the discretion and prudence and wisdom of my noble Friend Lord Dufferin had succeeded in allaying. My noble Friend found himself in a most difficult position, and he has conducted himself with a tact, ability, and judgment which entitle him to, and have procured for him, general approval. As to the question raised by my noble Friend (the Earl of Belmore), I will refrain from entering upon local matters and local complaints—the matter excited great attention, led to passionate debates, and terminated in the fall of a strong Ministry; but, divested of local details, it is one of considerable importance, if—as I understand it—that question is how the Prerogative of mercy is to be exercised in the larger Colonies. The question may be thus presented—first, whether the Prerogative is to be exercised by the Governor himself; or, next, whether it is to be exercised by the Colonial Minister; or, lastly, whether it is to be exercised by the Governor with the concurrence of the Minister. There

is at the present some little difference in the practice as between the Australian Colonies. It is not apparently very great, but it is of more importance than appears on the face of it. In three of them—Queensland, South Australia, and Tasmania—the Governor decides in Executive Council—that is, the decision is called the decision of the Colonial Government. In three others—New South Wales, Victoria, and New Zealand—the Governor decides out of Council, but decides after having heard the opinion of the Ministers. The first of these practices makes the decision much more that of the Colonial Government than of the Governor; the second makes it that of the Governor. As to New South Wales, it appears that when Sir Hercules Robinson assumed the office of Governor he found some difference of opinion to exist as to the practice there. There had been considerable Correspondence between his Predecessor and my noble Friend; but Sir Hercules Robinson adopted the practice—as he states in these Papers—of consulting his Ministers, and he states that he did so on a Circular written by my noble Friend opposite (Earl Granville). My Lords, I think if you study those Papers carefully you will find that in reality there is very little difference among those who have held the Seals of the Colonial Office with respect to the responsibility in the exercise of the Prerogative of mercy. In a despatch written by my noble Friend opposite (Earl Granville) on the 4th October, 1869, when he filled the office of Colonial Secretary, writing to the Governor of New South Wales, he says—

“The responsibility of deciding upon and applications rests with the Governor, and he has undoubtedly a right to act upon his own independent judgment. But unless any legal interest or policy is involved, as might be the case in a matter of treason or slave-trading, or in matters in which foreigners might be concerned, the Governor would be bound to show great weight to the recommendation of his Ministry.”

On the 1st November, 1871, my noble Friend (the Earl of Kimberley) who succeeded my noble Friend (Earl Granville) wrote thus—

“The Governor, as invested with a portion of the Queen's Prerogative, is bound to examine personally each case in which he is called upon to exercise the power entrusted to him, although in a Colony under responsible Government he will of course pay due regard to the advice of

evening; and he should like to ask the Chancellor of the Exchequer when a general discussion of the financial policy of the Government could take place, as it was then too late to enter into anything like a discussion on such a subject.

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he quite recognised the importance of the suggestion to set apart some convenient time for the discussion now raised by the Budget proposals. He was not able at that moment to name a day, but would take care in conference with his Colleagues that a convenient time should be fixed for that purpose. He did not think that much had been said upon which he need now trouble the Committee. The principal criticisms which had been made were criticisms for which he was not altogether unprepared. His right hon. Friend the Member for Pontefract (Mr. Childers) and the hon. Member for Wick (Mr. Laing) had taken very much the same line with regard to the proposals he had submitted. They certainly pointed out that the Budget could hardly be said to show a surplus Estimate for the year, taking into account the probable Supplementary Estimates. At the present moment, there was a very small surplus left; but, in the first place, he believed that the Estimates had been taken at a very moderate and reasonable figure; and, in the second place, he was not proposing to sacrifice the surplus by the remission of taxation, but by appropriating a larger amount to the payment of Debt. It was not therefore a case in which there was so much imprudence in running rather close to the wind as it would be if he were proposing to give away £200,000 or £300,000 in remission of taxation. His right hon. Friend had called attention to the Post Office, and spoke as if he thought they were making an imprudent Estimate; but he did not seem quite to understand the figures. In 1872-3 the net receipts for the year were £5,212,000, and the Exchequer receipts for the following year were £5,792,000; more than £500,000 over the net receipts of the year before. In 1873-4 the net receipts were £5,481,000, and the Exchequer receipts of the following year were £5,670,000, or nearly £200,000 in excess of the former year. Last year the net receipts, so far as they had at present been made up, were esti-

mated to produce £5,750,000, so that, according to the law which prevailed, he might take the Exchequer payments next year at a much higher sum; but instead of doing that he had made no advance whatever upon the Post Office receipts. There would be some small sum required for Supplementary Estimates, as, for example, in the Irish Estimates. The Committee must not take the Supplementary Estimates of last year as a guide for the present year. The present Government did not hold themselves responsible for the Supplementary Estimates of last year, since they did not prepare the original Estimates. Immediately after the Budget, his right hon. Friend (Mr. Hunt) found he must have a Supplementary Estimate for the Navy. The Government accordingly were called upon to provide £240,000 for the Navy, and another sum of £150,000 for the Telegraph Service. Last year was altogether an exceptional year. This year the present Government were responsible for the Estimates, and he hoped that the Supplementary Estimates would not be on the same scale as those which were necessary last year. He had been told that he was rather strange in the field of prospective finance, and that he was binding future Parliaments. His proposal, on the contrary, was one which any Chancellor of the Exchequer would be in a position to set aside. It was remarkable that while the right hon. Gentleman disapproved his proposal, he approved the creation of Terminable Annuities. If, however, his proposal bound future Chancellors of the Exchequer, they would be still more bound by the creation of Terminable Annuities. There had been one omission in his Statement which, in justice to his right hon. Friend at the head of the Local Government Board, he wished to supply. There would be in this year's Estimates a sum voted towards the expenses of the Registration Bill. The Government promised last year to pay a portion of these expenses, and they had determined to pay a fourth.

Resolution agreed to.

Resolved, That, towards raising the Supply granted to Her Majesty, the Duties of Customs now charged on Tea shall continue to be levied and charged on and after the first day of August, one thousand eight hundred and seventy-five, until the first day of August, one

mercy exercised as it was in the British Colonies, if only they could have it so by some independent impartial authority like a British Colonial Governor, who would prefer the interests of justice and the security of property to the fancied advancement of party or political influences. As to the case of Lepine he differed from the noble Earl opposite, and thought that Lord Dufferin was deserving of high praise. He had come forward at the right time and in the right spirit, and by his mode of action put an end to what had threatened at one time to be an acrimonious and interminable quarrel between the French-speaking and the English-speaking population of the Dominion.

THE EARL OF CARNARVON: My Lords, I am glad the noble Lord opposite (Lord Lisgar) interposed his observations between the speech of my noble Friend and the reply I have to make to the inquiries which he made of Her Majesty's Government, because his doing so enabled him to express that well-deserved praise which he bestowed on my noble Friend the Governor of Canada. I shall say as little as possible on the question of Lepine, because I agree with those who think that it touches on most delicate ground, and that any imprudence with respect to it here might conjure up a good deal of the bad feeling which existed in Canada, and which the discretion and prudence and wisdom of my noble Friend Lord Dufferin had succeeded in allaying. My noble Friend found himself in a most difficult position, and he has conducted himself with a tact, ability, and judgment which entitle him to, and have procured for him, general approval. As to the question raised by my noble Friend (the Earl of Belmore), I will refrain from entering upon local matters and local complaints—the matter excited great attention, led to passionate debates, and terminated in the fall of a strong Ministry; but, divested of local details, it is one of considerable importance, if—as I understand it—that question is how the Prerogative of mercy is to be exercised in the larger Colonies. The question may be thus presented—first, whether the Prerogative is to be exercised by the Governor himself; or, next, whether it is to be exercised by the Colonial Minister; or, lastly, whether it is to be exercised by the Governor with the concurrence of the Minister. There

is at the present some little difference in the practice as between the Australian Colonies. It is not apparently a great, but it is of more importance than appears on the face of it. In three of them—Queensland, South Australia, and Tasmania—the Governor decides in the Executive Council—that is, the decision called the decision of the Colonial Government. In three others—New South Wales, Victoria, and New Zealand—the Governor decides out of Council, decides after having heard the opinions of the Ministers. The first of these practices makes the decision much like that of the Colonial Government; the second makes it like the Governor; the third makes it like the Ministers. As to New South Wales, it appears that when Sir Hercules Robinson assumed the office of Governor he found some difference of opinion to exist as to the practice there. There has been considerable correspondence between his Predecessor and my Friend; but Sir Hercules Robinson adopted the practice—as he states in these Papers—of consulting his Ministers, and he states that he did so by Circular written by my noble Friend opposite (Earl Granville). My Friend thinks if you study those Papers fully you will find that in reality there is very little difference among the three. I have held the Seals of the Colonial Office with respect to the responsible exercise of the Prerogative of mercy. In a despatch written by my noble Friend opposite (Earl Granville) on the 4th October, 1869, when he was then in the office of Colonial Secretary, and before he was Governor of New South Wales, he says—

“The responsibility of deciding applications rests with the Governor, undoubtedly a right to act upon his independent judgment. But unless an interest or policy is involved, as in the case in a matter of treason or slave-trade matters in which foreigners might be concerned, the Governor would be bound to give great weight to the recommendation of the Ministry.”

On the 1st November, 1871, my noble Friend (the Earl of Kimberley) succeeded my noble Friend (Earl Granville) wrote thus—

“The Governor, as invested with the Queen's Prerogative, is bound to personally consider each case in which he is called upon to exercise the power entrusted to him, in a Colony under responsible Government, will of course pay due regard to the

Lord Lisgar

ROYAL PREROGATIVE OF MERCY — COLONIAL PARDONS.—QUESTION.

THE EARL OF BELMORE rose, according to Notice, to put a Question to the Secretary of State for the Colonies as to the conditions under which the power of granting pardons is in future to be exercised by the Governors of those Colonies which have responsible government, and to move an Address. The noble Earl said, that the subject to which he was about to refer was one of, perhaps, not very great interest for their Lordships' House, but it was one, not only of interest, but of very great importance to the Colonies. He would have to refer to both Canada and New South Wales, but he did not mean to express any opinion on the merits of the case of Lepine, and still less was it his intention to criticize the conduct of the Governor General of Canada. He was merely going to show what had been done by that noble Earl, and what had been done by the Governor of New South Wales in respect of the remission of sentences, and he proposed to do this because he thought there was a Constitutional question of considerable importance involved in the contrast between the mode of procedure in the two cases. The Canadian case was shortly this—Mr. Lepine was convicted about November last of having been accessory to the murder of Thomas Scott during the insurrection at Fort Garry some time before, and was sentenced to be hanged. Circumstances caused a good deal of excitement of a party nature, and there was great difference of opinion as to whether that sentence should be carried out. Finally, his noble Friend Lord Dufferin solved the difficulty by commuting the sentence to two years' imprisonment. It appeared that the noble Lord had taken that course on his own responsibility. Now, if Lord Dufferin had remitted the sentence after consulting his Council, he was no doubt doing what every Governor had a right to do in capital cases, even where responsible government existed: but if, as implied by *The Times'* correspondent, in a letter published on the 5th of November, he had acted as he had done in order to relieve his Ministry of the responsibility of offering advice, either the noble Earl's commission must give him greater powers than his (the Earl of Belmore's) had given him as Go-

vernor of New South Wales, or else he (Lord Dufferin) must take a much more extended view of his powers than he (the Earl of Belmore) had done. Their Lordships would observe that there was a marked distinction between a Governor acting without the advice of his Council, and a Governor, after having received such advice, exercising his own judgment upon it, though that judgment might be contrary to it. The latter was all that, when Governor of New South Wales, he supposed it to be in his power, or that of any other Governor in similar circumstances, to do. But it would appear that Lord Dufferin claimed the power of acting on his own judgment in cases of supreme importance. He (the Earl of Belmore) was not aware whether that power was disputed, and he thought it was much better that the Prerogative should be exercised in that way than that the contrary practice should prevail of the Governor deferring in all cases to the judgment of the Colonial Ministry—which, he understood, it was proposed should be the rule in future in New South Wales. The Australian case arose in this way. There was a notorious bushranger named Gardiner there, who, a good many years ago, was tried and sentenced, he believed, to a term of 32 years' imprisonment. Soon after Sir Hercules Robinson arrived in the colony he received a memorial for a mitigation of that man's sentence; and having considered the matter, he directed that after a limited period Gardiner should be released on condition of exiling himself from the Australian Colonies during the remainder of his term. That was a very common form of commutation, and one which in New South Wales was regarded as perfectly legal. He deprecated the idea of making any attack on Sir Hercules Robinson, though he could not agree in the decision that Governor had arrived at. When the time approached there was an intense feeling in the Colony against Gardiner's release: the matter of the remission was discussed in the Colonial Parliament, and the Prime Minister explained that the Governor having already some time before promised the man's release, could not then retract his promise. That was quite right. The Prime Minister further explained that Sir Hercules Robinson had acted on his own responsibility after

positions which he has stated to the Committee. I will point out in which respects I think the proposals of my right hon. Friend should receive that deliberate consideration which proposals of that kind deserve at our hands. And I have risen immediately after my right hon. Friend because I ventured late in the past Session to doubt whether, unless there was a greater improvement in the state of the finances, especially in the state of trade then exhibited in the country, the proposals which my right hon. Friend made last Session could be accepted as perfectly safe. In the criticism I made on the proposals of my right hon. Friend, I specially guarded myself by the remark that if the country enjoyed, what then was doubtful, a good harvest, I thought the Estimates of my right hon. Friend would come up to the mark which he had given to the House. Now, having stated that, let me first call the attention of the House to the results of the finances of the last year, 1874-5, as stated by my right hon. Friend, and as they appear by the accounts which were given to us a few days ago. My right hon. Friend has said, and said correctly, that the Revenue has exceeded the Estimate which he placed before the House by £496,000; that the Expenditure has exceeded the Expenditure which he proposed by a small amount, an amount less than the excess of the Revenue; and he has stated that the result has been a surplus of £594,000. My right hon. Friend said he thought that, at any rate, was a satisfactory result. Now, I do not think that it can be deemed altogether a satisfactory result, and I will give one or two qualifications of the statement of my right hon. Friend. In the first place, he has been satisfied by an increase of receipt over his estimated receipt. It is perfectly true that the increase is £496,000; but when we come to look more narrowly into it, we find that three items of receipts which it has always been the practice to watch, and which indicate, above all, the progress of the prosperity of the country, and are tests of its financial advance—I mean Customs, Excise, and Stamps—for the first time since the year 1868 show a deficit when compared with the amounts estimated by the Chancellor of the Exchequer. The deficit is, indeed, small—only £6,000—still it is a deficit. That,

Mr. Childers

I think, is not altogether satisfactory. Again, I do not think you can find an instance during a long series of years—except in times of war, or apprehension of war—in which the Treasury has allowed the ordinary expenditure of the country to exceed the Budget Estimates of expenditure, unless in a year when the receipts have very greatly exceeded the Budget Estimates of receipts. Such a year was 1863-4, when the Revenue Estimates were some millions below the result. But what is the case as to the present year. I find that my right hon. Friend estimated the payments for the year charged on Supply Votes—not including payments in relief of local taxation—at £44,223,000. The actual expenditure has been £45,649,000, of which sum he just now told us that £512,000 had been paid in relief of local taxation. This leaves the expenditure of the year out of Supply Votes at £45,137,000. It thus appears that my right hon. Friend has expended during the year on the Army, Navy, and Civil Services £914,000 more than he estimated at this time last year. I can hardly regard this as a satisfactory state of finance in a year in which the Customs, Excise, and Stamps produced not more but less than the original Estimate. Let me carry the matter of surplus a little further with reference to the reduction of the National Debt. My right hon. Friend stated that the surplus of last year was £593,000, but as the amount necessary to be paid on account of Fortifications and Army Localization for the year was £600,000, and as this has to be taken into account before the final balance is struck, instead of their remaining a surplus to be paid to the National Debt Commissioners in reduction of the Debt, there was, in fact, a deficiency of over £6,000. This, again, can scarcely be regarded as a satisfactory state of things. But this is not all. In the miscellaneous receipts of last year there is a very remarkable and unusual item of £300,000, which arises in the following way:—The Treasury, in addition to its other functions, carries on a very large business as managers of an exchange bank, having transactions with all quarters of the globe. The name of that bank is the Treasury Chest, and up to two years ago the working capital assigned to it was £1,300,000. Two years ago it was found unnecessary,

owing to the improved means of communication with foreign countries, and the reduction of our Army in the Colonies, to employ so large a capital; and an Act was passed reducing the amount of the capital of the Treasury Chest to £1,000,000. This sum of £300,000 which, strictly speaking, formed part of the capital of the country, and should, therefore, have contributed to the reduction of the Debt, has been actually treated as if it were ordinary revenue, so that, in fact, adding this amount to the £6,000 already mentioned by me, the actual deficit on the operations of last year was £306,000. My right hon. Friend has stated that there were £300,000 of miscellaneous revenue which might have been paid in just before the end of the last; but the receipt of which he postponed until the beginning of the present, financial year. My right hon. Friend took credit to himself for having done this, on the ground that the reductions of taxation agreed to in the last Session affected not only 1874-5, but also 1875-6. This is true; but I am not quite sure that it is desirable that such a licence as to the time of paying in Revenue should remain in the hands of the Chancellor of the Exchequer. On the other hand, my right hon. Friend admits that he has received a sum of about £300,000 from the Post Office Department beyond the nominal Revenue of the year, this being due, no doubt, to the better arrangements which have been made in the Department in question. These two sums balance each other, so that the real result on the basis established by the Act of George IV. is, as I said before, £300,000 on the wrong side. I now proceed to the Estimate for 1875-6. My right hon. Friend anticipates that, including the £300,000, payment of which was postponed from 1874-5, the receipts for the year will be £75,685,000, and the expenditure £75,268,000, which leave a balance on the credit side of £417,000. In stating the details of estimated expenditure to the House, my right hon. Friend did full justice, which I am very anxious to endorse, to the Secretary of the Treasury, who has exercised his powers with great skill and success in keeping down the expenditure. In some respects he has been fortunate—for instance, during this year some 12 great public buildings, the erection of which had been

carried on at a great expense for four or five previous years, will have been completed, and the commencement of other new buildings has been stopped. What I wish, however, to impress upon my right hon. Friend and the Committee is that, taking everything into consideration, the estimated expenditure of the coming year is £1,330,000 in excess of that which, this time last year, was estimated to be necessary for the year which has just closed. But it will be said, "You have not included the Supplementary Estimates." My answer is they cannot be included now; the only comparison you can make with the Budget Estimate of one year is the Budget Estimate of the preceding year. Now, let us see what the result of my right hon. Friend's proposals will be in actual figures with reference to the surplus of the year. I may say, in passing, that I doubt whether, on the Revenue side, he has not over estimated the Miscellaneous receipts and those of the Post Office. [The CHANCELLOR of the EXCHEQUER: The Post Office is under estimated.] Well, I will accept the statement. First of all, the Estimates omit a large item in the Vote for Irish education, which was stated last year at £118,000. We are told on high authority that it will be more this year, but I leave it at that, though I am sure in that respect I am doing my right hon. Friend more than justice. Then there is the loss of £60,000 on brewers' licences; there is to be an additional charge of £185,000 in connection with the National Debt, and this is not to include £70,000 a-year for interest on advances for local purposes. Now, the four sums added together make £433,000, and the surplus estimated is £417,000, so that my right hon. Friend deliberately proposes to Parliament that this year shall end with a deficit of £16,000. In my Parliamentary experience of 16 years I have known the same thing to be done only once, and in such a humdrum year as the present, it seems to me quite unjustifiable. I have no particular remarks to make at present on the modification of the Brewers' Licences, or the alteration of the fee on appointments, though these questions might, I think, have been dealt with in a bolder manner; but I confess I do not at all like the tendency of the National Debt plan. Careful as my right hon. Friend was to

distinguish it from the Sinking Fund, in operation before 1829, it is, I think, open to the objections which led them to the abolition of that fund. My right hon. Friend has changed his mind since last year as to the great merits of Terminable Annuities; but I think he has underrated—at any rate, he has not alluded to one great advantage which that system possesses. His remarks were to the effect that if you left the Savings Banks Commissioners in possession of large securities in the shape of Terminable Annuities, a time might come when you might want money, and they would not be very convertible. Now, under the Terminable Annuity system there is paid to the Savings Banks Commissioners every year a much larger sum out of the Revenue than they require, and a constant purchase of Consols and other stock goes on out of the difference between what 3 per cent upon their capital would have been, and what Terminable Annuities bring. That very process keeps passing into your hands every year a large amount of precisely the same securities which would have had to be sold or converted in case of pressure under the former system. I gather from what has fallen from my right hon. Friend that he does not propose to dispense with the system of Terminable Annuities altogether; but he proposes a new scheme by which the interest on the Public Debt is to be fixed at £28,000,000, besides whatever sum may be necessary in the way of interest on special loans, or loans raised for the purpose of advancing money to a public body. Now, whatever the merits of this plan may be—and I do not intend to enter into the discussion of them on the present occasion—it possesses, at all events, this great advantage to my right hon. Friend, that it enables him to propose a scheme, in a year when there is no surplus, for the reduction of the National Debt at, it may be considerable cost, to future Chancellors of the Exchequer. This plan requires, in my opinion, very deep and careful consideration. It is simply a plan to secure to my right hon. Friend credit for a very large reduction of the National Debt by applying for the next 10 years far less than the average sum applied by the late Government; and then 10 years hence and for the following 20 years nearly £10,000,000 a-year; averaging thus £7,000,000 a-year with

next to nothing at first. These are the only observations which I now wish to make. I do not find fault with my right hon. Friend for having made so little change as he has done by his financial proposals. There is nothing, in my opinion, more objectionable than the constant shifting of taxation, and I think the most prudent course to pursue is that which was adopted by my right hon. Friend the Member for Greenwich (Mr. Gladstone)—to wait till the time arrives when a great blow can be struck. I will only say, in conclusion, that I am sure my right hon. Friend's statement will be received with all the consideration which it deserves.

MR. PELL could not say that the statement of the Chancellor of the Exchequer was a very cheering one in regard to the subject which he and other hon. Members had at heart. He should like to know whether, when the right hon. Gentleman spoke of a system of audit in the case of the accounts of local authorities, he meant that the whole of those accounts were to be submitted to audit, or only those portions of them which happened to be connected with the loans which they received? Nothing, he was sure, would tend so much to the diminution of any waste of money there might be as a proper system of audit. It would also be desirable that they should know whether the financial supervision of local taxation was to be carried on by the Chancellor of the Exchequer or by the President of the Local Government Board? Since 1869 up to 1874-5, there had been a remission of Imperial taxation to the amount of £20,000,000, or, making allowance for the addition to taxation of some £3,000,000 in the time he had selected, a reduction of over £17,000,000. That was certainly a cheering state of things. In the course of eight years there had been an increase of local rates to the extent of £2,500,000, and he did not think this fact had been fully realized. The amount of indebtedness in respect of loans to local authorities was also a matter for very serious consideration. It was now £84,000,000, of which only £24,000,000 was under audit. If, however, audit was carried out to the extent he had been led to understand, his mind would be relieved of a great anxiety. Another cause of increase latterly was the establishment of school boards, which had

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swallowed up no less than £3,000,000 since the system came into operation. He was thankful most heartily for the splendid harvest they had had, to which so much of the financial success of the Government might be attributed, but he warned them not to rely too much upon such a precarious contingency. It was not often they had two good harvests in succession.

MR. LAING said, unless in case of war, or some other extraordinary contingency, there should be no reasonable apprehension under a Budget that there would be a deficit. Can anyone say that of this Budget? When the Irish schools were provided for, and other expenses incurred in connection with the National Debt, what became of the right hon. Gentleman's surplus? No allowance was made for Supplementary Estimates, and there were other contingencies for which no provision had been made. What if they were to have a bad state of trade, an alarm as to European politics, or bad harvests? Could they then rely on these Estimates being realized? They could not, and the result would be they would be landed in a deficit. Could anyone say there would be no Supplementary Estimates of considerable magnitude in the course of the present financial year? There was the visit of the Prince of Wales to India. The information they had on that matter was not very explicit. They were told by the right hon. Gentleman that if the illustrious Prince went to India, the House of Commons would be the first to hear of it. But, seriously, if the visit was to be made, its political value would depend on the business being well done, and the bill being paid by the people of England. Considerable Supplementary Estimates must be the result. This was a Budget which did not show a surplus; on the contrary, it might show a deficit. What was the promise and performance with regard to the National Debt? They were promised a scheme by which, in the course of 30 years, they were to get rid of £200,000,000 of National Debt, and the performance was in two years of peace and prosperity they had no surplus at all. Previous to last year the practice had been to keep the Estimates always on the safe side. They were sure of having a surplus. Now they were reduced to the critical condition of depending on a good harvest. This

state of uncertainty inflicted a great deal of mischief on trade, and if last year the right hon. Gentleman had maintained the income tax at 3*d.*, and not reduced it to 2*d.* in the pound, there would have been no danger of a deficit. If, again, the right hon. Gentleman, instead of taking off a penny from the income tax, had taken off only a halfpenny, he (Mr. Laing) would have felt greater confidence in the soundness of his finance. He concurred with the right hon. Gentleman the Member for Pontefract (Mr. Childers) that the plan of the present Budget was open to the suspicion of a seeking for popularity at the expense of future Chancellors of the Exchequer.

MR. SCOURFIELD regretted that no attempt was made to reduce our National Debt. As long as we had a National Debt, no matter how large our surplus might be, we should have no *embarras de richesses*. If we did not reduce the Debt now how could we expect to reduce it in times of difficulty? He would like to see an attempt made to put local taxation which at present fell on one description of property, on the same footing as Imperial taxation. In Liverpool 1*d.* in the pound on the property and income schedules would produce as much as 6*d.* on assessable property, and the right hon. Member for Halifax (Mr. Stansfeld) had stated that 4*d.* in the pound on the poor rate assessment would yield a sum equal to 1*d.* in the pound on the property and Income Tax schedules. The whole expense of education fell upon local taxation, and there was a growing feeling in the country that local burdens had been most unfairly increased, and were likely to be increased still further.

MR. TILLET thanked Her Majesty's Government, as representative of a great commercial community (Norwich), for the Financial Statement made that evening by the right hon. Gentleman the Chancellor of the Exchequer. He also thanked the right hon. Gentleman for the promise he had given to do all in his power to diminish taxation. He might, however, state that he concurred with the hon. Member (Mr. Scourfield) that there was a feeling of great dissatisfaction arising out of the manner in which local taxation was increasing. With regard to the heavy and disastrous taxation which the industrious classes suffered owing to the absence of reliable

security, he submitted that it was desirable to adopt some measure that would give them confidence, and his impression was that if the right hon. Gentleman were to issue bonds and debentures, the effect would be that they might be saleable and accessible as security for their money, which they were now afraid to deposit. With regard to the local burdens upon one description of property, they now amounted to the enormous sum of £20,000,000.

MR. NEVILLE-GRENVILLE said, he had listened with great attention to the important statement of the right hon. Gentleman the Chancellor of the Exchequer, and he congratulated him and Her Majesty's Government on that statement. If the right hon. Gentleman opposite (Mr. Childers) had any complaint to make, it was that the Chancellor of the Exchequer had spoiled the future surplus of the Gentleman who might take his place. He never ceased to regret one tax which had been taken off in a former Budget, and that was the 1s. duty on corn. That 1s. duty would enable a Chancellor of the Exchequer to do a great deal of good; but when taken off it was done as a sop to sentiment. He appreciated the right hon. Gentleman's idea of establishing an efficient system of audit, which, if adopted, could not fail to prove of great importance and give great satisfaction. With regard to the claims upon the Chancellor of the Exchequer, they were very large, and the expenditure, it should be borne in mind, was very large. He hoped the right hon. Gentleman would meet with a strong hand the demands which were made upon him, and in this respect he was to be congratulated upon not having a large surplus, as the effect of that was that there was no encouragement to every particular interest to put in its claim for exemption. He hoped his right hon. Friend would be Chancellor of the Exchequer till 1885, in order that he might realize all the anticipations he had formed of that happy era.

MR. HANKEY said, he thought it would be absolutely necessary that some Supplementary Estimates should be presented. It would be much better that the Prince of Wales should not visit India at all if he went there as a private individual. He felt satisfied there would be considerable expenses attending that

visit, and he believed there would be a strong feeling throughout this country against that expenditure being treated as if it were merely an expenditure to be properly paid out of the revenues of India. He understood the determination of the Government was to throw the expenses as far as Suez on England, and the remainder on the revenues of India.

MR. WHALLEY protested against Imperial taxation being applied to local purposes by way of loans, because it tended to destroy the principle of local government by which people were enabled to tax themselves. He also objected to the continuance of the Income Tax. All fixed property depended for its value upon muscle, brain, and energy; and therefore it was for the interest of that property that Schedule D should be abolished, and that the revenue derived under that Schedule should be levied upon real property.

MR. MUNDELLA objected to the country losing £60,000 a-year from the sale of intoxicating drinks, particularly as the vexatious interference with trade, which was so much complained of—namely, private brewing—was to be left untouched, and very small beer would pay the same duty as the strongest and the best. The £60,000 might have been saved by raising the malt tax from 21s. 8d. to 22s. 6d., and in that way every glass of beer would have been dealt with in proportion to its strength. The time had probably come when spirits would again bear an increase of duty. With respect to the Income Tax, he believed that if all incomes under £300 had been exempted, it would have been very acceptable to the country. The Chancellor of the Exchequer had adduced the funds deposited in savings banks as a criterion of the condition of the working classes; but that was no safe criterion, because they now found more profitable modes of investment for their savings in the shape of building societies and co-operative industries.

SIR HENRY PEEK observed, that if the Excise, and Customs Departments were fused the saving would, he believed, be sufficient to enable the Chancellor of the Exchequer to remit the smaller duties now levied.

MR. FAWCETT remarked that the Budget had been brought before the House at an unusually late hour that

evening; and he should like to ask the Chancellor of the Exchequer when a general discussion of the financial policy of the Government could take place, as it was then too late to enter into anything like a discussion on such a subject.

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he quite recognized the importance of the suggestion to set apart some convenient time for the discussion now raised by the Budget proposals. He was not able at that moment to name a day, but would take care in conference with his Colleagues that a convenient time should be fixed for that purpose. He did not think that much had been said upon which he need now trouble the Committee. The principal criticisms which had been made were criticisms for which he was not altogether unprepared. His right hon. Friend the Member for Pontefract (Mr. Childers) and the hon. Member for Wick (Mr. Laing) had taken very much the same line with regard to the proposals he had submitted. They certainly pointed out that the Budget could hardly be said to show a surplus Estimate for the year, taking into account the probable Supplementary Estimates. At the present moment, there was a very small surplus left; but, in the first place, he believed that the Estimates had been taken at a very moderate and reasonable figure; and, in the second place, he was not proposing to sacrifice the surplus by the remission of taxation, but by appropriating a larger amount to the payment of Debt. It was not therefore a case in which there was so much imprudence in running rather close to the wind as it would be if he were proposing to give away £200,000 or £300,000 in remission of taxation. His right hon. Friend had called attention to the Post Office, and spoke as if he thought they were making an imprudent Estimate; but he did not seem quite to understand the figures. In 1872-3 the net receipts for the year were £5,212,000, and the Exchequer receipts for the following year were £5,792,000; more than £500,000 over the net receipts of the year before. In 1873-4 the net receipts were £5,481,000, and the Exchequer receipts of the following year were £5,670,000, or nearly £200,000 in excess of the former year. Last year the net receipts, so far as they had at present been made up, were esti-

mated to produce £5,750,000, so that, according to the law which prevailed, he might take the Exchequer payments next year at a much higher sum; but instead of doing that he had made no advance whatever upon the Post Office receipts. There would be some small sum required for Supplementary Estimates, as, for example, in the Irish Estimates. The Committee must not take the Supplementary Estimates of last year as a guide for the present year. The present Government did not hold themselves responsible for the Supplementary Estimates of last year, since they did not prepare the original Estimates. Immediately after the Budget, his right hon. Friend (Mr. Hunt) found he must have a Supplementary Estimate for the Navy. The Government accordingly were called upon to provide £240,000 for the Navy, and another sum of £150,000 for the Telegraph Service. Last year was altogether an exceptional year. This year the present Government were responsible for the Estimates, and he hoped that the Supplementary Estimates would not be on the same scale as those which were necessary last year. He had been told that he was rather strange in the field of prospective finance, and that he was binding future Parliaments. His proposal, on the contrary, was one which any Chancellor of the Exchequer would be in a position to set aside. It was remarkable that while the right hon. Gentleman disapproved his proposal, he approved the creation of Terminable Annuities. If, however, his proposal bound future Chancellors of the Exchequer, they would be still more bound by the creation of Terminable Annuities. There had been one omission in his Statement which, in justice to his right hon. Friend at the head of the Local Government Board, he wished to supply. There would be in this year's Estimates a sum voted towards the expenses of the Registration Bill. The Government promised last year to pay a portion of these expenses, and they had determined to pay a fourth.

Resolution agreed to.

Resolved, That, towards raising the Supply granted to Her Majesty, the Duties of Customs now charged on Tea shall continue to be levied and charged on and after the first day of August, one thousand eight hundred and seventy-five, until the first day of August, one

thousand eight hundred and seventy-six, on importation into Great Britain or Ireland (that is to say): on

Tea the lb. s. d.
0 6

Motion made, and Question proposed,

"That in lieu of the Duties payable on Licences to Brewers of Beer for Sale (other than Brewers of Spruce or Black Beer) there shall be charged, collected, and paid on such Licences to be taken out on and after the first day of October, one thousand eight hundred and seventy-five, the following Duties (that is to say):

£ s. d.

For and upon every Licence to be taken out yearly by any Brewer of Beer for Sale,—

If the quantity of Beer brewed within the year ending the thirtieth day of September next preceding shall not exceed fifty barrels, the Duty of 0 12 6

If the same shall exceed fifty barrels, then for every fifty barrels and for any fractional part or number of an entire quantity of fifty barrels, the Duty of 0 12 6

And for and upon every Licence to be taken out by any person who shall first become a Brewer of Beer for Sale, the Duty of 0 12 6

And there shall also be charged upon and paid by the last mentioned person in respect of his Licence, such further sum as with the said Duty of Twelve Shillings and Sixpence shall amount to the Duty which would be chargeable on a Licence for a quantity of Beer equal to the quantity brewed by him during the existence of his Licence, and such further sum shall be paid within ten days next after the expiration of the Licence."

Motion, by leave, *withdrawn*.

(2.) *Resolved*, That, towards raising the Supply granted to Her Majesty, there shall be charged, collected, and paid for the year, commencing on the sixth day of April, one thousand eight hundred and seventy-five, in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following Duties of Income Tax (that is to say):

For every Twenty Shillings of the annual value or amount of Property, Profits, and Gains chargeable under Schedules (A) (C) (D) or (E) of the said Act, the Duty of Two Pence;

And for every Twenty Shillings of the annual value of the occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B) of the said Act:—

In England, the Duty of One Penny;
In Scotland and Ireland respectively,
the Duty of Three Farthings;

Subject to the provisions contained in section twelve of "The Customs and Inland Revenue Act, 1872," for the exemption of Persons whose whole Income from every source is under One Hundred Pounds a-year, and relief of those whose Income is under Three Hundred Pounds a-year.

Resolutions to be reported *To-morrow*;
Committee to sit again *To-morrow*.

MR. CHILDERS suggested that the Resolution should be postponed.

THE CHANCELLOR OF THE EXCHEQUER said, he would not then press it.

FRIENDLY SOCIETIES BILL.

THE CHANCELLOR OF THE EXCHEQUER announced that it would not be convenient to take the Friendly Societies Bill next week.

METALLIFEROUS MINES BILL.

On Motion of Sir HENRY SELWIN-IBBETSON, Bill to amend the provisions of "The Metalliferous Mines Regulation Act, 1872," with respect to the annual Returns from Mines, ordered to be brought in by Sir HENRY SEEWIN-IBBETSON and Mr. Secretary CROSS.

Bill presented, and read the first time. [Bill 120.]

FALSIFICATION OF ACCOUNTS BILL.

On Motion of Sir JOHN LUBBOCK, Bill to amend the Law with reference to the Falsification of Accounts, ordered to be brought in by Sir JOHN LUBBOCK, Mr. FRESHFIELD, Mr. RUSSELL GURNEY, Mr. KIRKMAN HODGSON, and Mr. LOPES.

Bill presented, and read the first time. [Bill 121.]

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, 16th April, 1875.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Supreme Court of Judicature Act (1873) Amendment (No. 2) (48); Building Societies Act (1874) Amendment* (43); Local Government Board (Ireland) Provisional Orders Confirmation* (46).

ROYAL PREROGATIVE OF MERCY — COLONIAL PARDONS.—QUESTION.

THE EARL OF BELMORE rose, according to Notice, to put a Question to the Secretary of State for the Colonies as to the conditions under which the power of granting pardons is in future to be exercised by the Governors of those Colonies which have responsible government, and to move an Address. The noble Earl said, that the subject to which he was about to refer was one of, perhaps, not very great interest for their Lordships' House, but it was one, not only of interest, but of very great importance to the Colonies. He would have to refer to both Canada and New South Wales, but he did not mean to express any opinion on the merits of the case of Lepine, and still less was it his intention to criticize the conduct of the Governor General of Canada. He was merely going to show what had been done by that noble Earl, and what had been done by the Governor of New South Wales in respect of the remission of sentences, and he proposed to do this because he thought there was a Constitutional question of considerable importance involved in the contrast between the mode of procedure in the two cases. The Canadian case was shortly this—Mr. Lepine was convicted about November last of having been accessory to the murder of Thomas Scott during the insurrection at Fort Garry some time before, and was sentenced to be hanged. Circumstances caused a good deal of excitement of a party nature, and there was great difference of opinion as to whether that sentence should be carried out. Finally, his noble Friend Lord Dufferin solved the difficulty by commuting the sentence to two years' imprisonment. It appeared that the noble Lord had taken that course on his own responsibility. Now, if Lord Dufferin had remitted the sentence after consulting his Council, he was no doubt doing what every Governor had a right to do in capital cases, even where responsible government existed: but if, as implied by *The Times'* correspondent, in a letter published on the 5th of November, he had acted as he had done in order to relieve his Ministry of the responsibility of offering advice, either the noble Earl's commission must give him greater powers than his (the Earl of Belmore's) had given him as Go-

vernor of New South Wales, or else he (Lord Dufferin) must take a much more extended view of his powers than he (the Earl of Belmore) had done. Their Lordships would observe that there was a marked distinction between a Governor acting without the advice of his Council, and a Governor, after having received such advice, exercising his own judgment upon it, though that judgment might be contrary to it. The latter was all that, when Governor of New South Wales, he supposed it to be in his power, or that of any other Governor in similar circumstances, to do. But it would appear that Lord Dufferin claimed the power of acting on his own judgment in cases of supreme importance. He (the Earl of Belmore) was not aware whether that power was disputed, and he thought it was much better that the Prerogative should be exercised in that way than that the contrary practice should prevail of the Governor deferring in all cases to the judgment of the Colonial Ministry—which, he understood, it was proposed should be the rule in future in New South Wales. The Australian case arose in this way. There was a notorious bushranger named Gardiner there, who, a good many years ago, was tried and sentenced, he believed, to a term of 32 years' imprisonment. Soon after Sir Hercules Robinson arrived in the colony he received a memorial for a mitigation of that man's sentence; and having considered the matter, he directed that after a limited period Gardiner should be released on condition of exiling himself from the Australian Colonies during the remainder of his term. That was a very common form of commutation, and one which in New South Wales was regarded as perfectly legal. He deprecated the idea of making any attack on Sir Hercules Robinson, though he could not agree in the decision that Governor had arrived at. When the time approached there was an intense feeling in the Colony against Gardiner's release: the matter of the remission was discussed in the Colonial Parliament, and the Prime Minister explained that the Governor having already some time before promised the man's release, could not then retract his promise. That was quite right. The Prime Minister further explained that Sir Hercules Robinson had acted on his own responsibility after

consultation with him, but that he had neither offered nor been asked for any advice on the subject. He would not detain their Lordships by following the matter up step by step. It would suffice to say that in the result Gardiner was released on the condition which he had already stated. In consequence of what had passed in the Colonial Parliament, on the occasion to which he had just referred, and of some Correspondence with the Colonial Office which begun during his own administration in New South Wales, it was decided by the Governor and his Council that a change should be made in the mode of dealing with the exercise of the Prerogative of mercy by the Governor. In his (the Earl of Belmore's) time the mode was this—capital cases were always dealt with by the Governor in Council, in accordance with fixed Instructions; the presiding Judge reported to the Governor and was summoned to attend the Council; the Judge did so, and his report having been read, he retired after making any necessary explanations; the Governor then ascertained the views of the Members of the Council and then announced his own decision. Similar Instructions, he believed, applied to all Colonies. No alteration was proposed by Sir Hercules Robinson as regarded that class of cases. But in other cases, a memorial for remission would be sent to the Governor or to the Colonial Secretary; it would be referred for report to the Judge or magistrate who had dealt with the case, and the Colonial Secretary would then send it to the Governor with his initials—generally, without remark, but sometimes with a recommendation. Such was the practice in his time: and on the receipt of the report from the Colonial Secretary, he would have dealt with it on his own judgment—of course, carefully considering any advice offered by the Ministry, but still acting on his own responsibility, and not merely, as in nearly all civil business—in all except where a special duty was imposed by law—ministerially. Now, as he understood the proposed change, it was intended that in future the Governor of New South Wales was in such cases to act merely ministerially. Why was this? The practice which he had explained to their Lordships as having prevailed in his time had worked exceedingly well. In a community among

The Earl of Belmore

whom political changes were frequent, it ensured that an experienced person should deal finally with that class of business for a lengthened period, and it relieved the Minister from a great deal of outside pressure. Something had been made of an expression in a despatch written by his noble Friend opposite (the Earl of Kimberley) to him, in which the noble Earl said he recognized the right of the Minister to give "effective advice." No doubt he did, and very properly; but his noble Friend did not mean, as he understood him, that the advice so given was to override the deliberate judgment of the Governor, or that the latter was not to exercise his own judgment. It might be that in other Colonies all the criminal business was dealt with in Council; but, even if so, he did not think that the Governor was really relieved from a personal responsibility in each case; and he expected to hear from his noble Friend (the Earl of Carnarvon) that he had not sanctioned any such doctrine. The Governor had hitherto stood in the position of the Home Secretary, and the effect of the change proposed would be to transfer the Home Secretary's position to a Colonial Minister. It was to be observed that such an exercise of a personal responsibility by the Government as that which he had explained to their Lordships was quite consistent with a rule that he should never pardon without first having received the advice of his Ministers; but it certainly was opposed to the practice which he had to-day learnt prevailed in South Australia—namely, that no remission should be given to a prisoner without the assent of the Minister, who accepted the responsibility in the local Parliament. He might mention that having had the opportunity of knowing how the business of the Home Office was conducted, he used to consider that the system at that office learnt less to leniency than that which was practised in New South Wales. He would now put the Question of his noble Friend, and move the Address to Her Majesty of which he had given Notice.

Moved that an humble Address be presented to Her Majesty for, Copies or extracts of so much of the commissions and instructions to the Governor-General of Canada and the Governor of New South Wales respectively, as relate to the exercise of the Royal Prerogative of Mercy; and also, Copies or extracts of the correspond-

ence (if any) with the Secretary of State bearing upon this subject in connexion with the commutation of the respective sentences upon Lepine in Canada and Gardiner in New South Wales.—(*The Earl of Belmore.*)

LORD LISGAR trusted that their Lordships would favour him with their indulgence for a few remarks, inasmuch as in the Correspondence which had been laid on the Table, in connection with "The Exercise of the Prerogative of Pardon in New South Wales," his own name as a former Governor of that Colony was mentioned more than once, and it so happened that he was engaged in the administration of affairs when Gardiner, one of the convicts mentioned in the noble Earl's Notice, was brought to trial; and in Canada when the unfortunate man Scott was put to death, for which atrocious cruelty Lepine, the other convict named in the Notice, was afterwards made amenable and convicted of murder. He was very glad to gather from that Correspondence that the great concurrence of opinion, the vast weight of authority—namely, that of the two noble Earls (Earls Granville and Kimberley) who had held the Seals of the Colonial Office, as that of the noble Earl opposite (the Earl of Carnarvon) who succeeded them and was now in power, was in favour of maintaining the responsibility of the Governor with respect to the Prerogative of mercy. In the Papers on their Lordships' Table the noble Earl the present Secretary of State for the Colonies laid down the doctrine by stating that—

"The Governor, like the Home Secretary, is personally selected by the Sovereign as the depository of this Prerogative, which was not alienated from the Crown by any general delegation, but only confided as a matter of high trust to those individuals whom the Crown commissions for that purpose."

The noble Earl, therefore, held that while the Ministers were responsible for advising the Governor, the latter could not divest himself of the personal responsibility which was specially entrusted to him. He concurred in that view; and certainly in reference to New South Wales, he quite agreed with Mr. Parkes, the Colonial Secretary, when he stated, towards the close of his Minute, grounds in opposition to Mr. Robertson's view, and to that which he himself seemed to have put forward partially at least. Mr. Parkes remarked—

"That he entertained grave doubts whether any change at present from the system which had hitherto prevailed would be beneficial to the colony. In a community so small as theirs the distinctions between classes were very slight; the persons entrusted with authority and the relatives and friends of prisoners move closely together; the means of political pressure were easily accessible, and, therefore, a larger share by the Minister in the exercise of the prerogative of pardon would not, in his judgment, be more satisfactory to the public."

He could not indeed say that society as it presented itself to him in Sydney bore out in his opinion the description given by Mr. Parkes, or that he could recognize in the wealthy, educated, and fashionably attired companies with which he had mixed, the friends of convicts. Still he knew that "the means of political pressure were easily accessible" and only too frequently resorted to. When he took up the Government of New South Wales he learnt that under the Governorship of Sir William Denison during the previous four years, at the commencement of which the free Constitution came into play, and during which free representative institutions were in their infancy the pressure for the remission of sentences brought to bear on the new Members of Parliament was well nigh intolerable; during the seven years that he himself was Governor of New South Wales he had not, in any one case, as far as he could now recollect, omitted to avail himself of the advice of the Colonial Secretary or the Attorney General, and he did not find any difficulty to arise from that practice; but he was not prepared to take the view of Sir Hercules Robinson that the responsibility might be left to devolve upon the Colonial Secretary. Sir Hercules Robinson thought that abuses would speedily pass away after the Colonial Secretary had been invested with that responsibility. He could not concur in that opinion. Undoubtedly, with the formation of a sound public opinion abuses would rapidly cease, but he doubted much whether, if the proposed system were adopted in New South Wales, that colony would not have to pass through the ordeal which the United States had been experiencing for 70 years past, and from which it had not yet emerged. In the United States scarcely one-third of the sentences pronounced were carried out by the authorities, and he ventured to say that the most thinking people in that country would prefer to have the prerogative of

mercy exercised as it was in the British Colonies, if only they could have it so by some independent impartial authority like a British Colonial Governor, who would prefer the interests of justice and the security of property to the fancied advancement of party or political influences. As to the case of Lepine he differed from the noble Earl opposite, and thought that Lord Dufferin was deserving of high praise. He had come forward at the right time and in the right spirit, and by his mode of action put an end to what had threatened at one time to be an acrimonious and interminable quarrel between the French-speaking and the English-speaking population of the Dominion.

THE EARL OF CARNARVON: My Lords, I am glad the noble Lord opposite (Lord Lisgar) interposed his observations between the speech of my noble Friend and the reply I have to make to the inquiries which he made of Her Majesty's Government, because his doing so enabled him to express that well-deserved praise which he bestowed on my noble Friend the Governor of Canada. I shall say as little as possible on the question of Lepine, because I agree with those who think that it touches on most delicate ground, and that any imprudence with respect to it here might conjure up a good deal of the bad feeling which existed in Canada, and which the discretion and prudence and wisdom of my noble Friend Lord Dufferin had succeeded in allaying. My noble Friend found himself in a most difficult position, and he has conducted himself with a tact, ability, and judgment which entitle him to, and have procured for him, general approval. As to the question raised by my noble Friend (the Earl of Belmore), I will refrain from entering upon local matters and local complaints—the matter excited great attention, led to passionate debates, and terminated in the fall of a strong Ministry; but, divested of local details, it is one of considerable importance, if—as I understand it—that question is how the Prerogative of mercy is to be exercised in the larger Colonies. The question may be thus presented—first, whether the Prerogative is to be exercised by the Governor himself; or, next, whether it is to be exercised by the Colonial Minister; or, lastly, whether it is to be exercised by the Governor with the concurrence of the Minister. There

is at the present some little difference on the practice as between the Australian Colonies. It is not apparently very great, but it is of more importance than appears on the face of it. In three of them—Queensland, South Australia, and Tasmania—the Governor decides in Executive Council—that is, the decision is called the decision of the Colonial Government. In three others—New South Wales, Victoria, and New Zealand—the Governor decides out of Council, but decides after having heard the opinion of the Ministers. The first of those practices makes the decision much more that of the Colonial Government than of the Governor; the second makes it that of the Governor. As to New South Wales, it appears that when Sir Hercules Robinson assumed the office of Governor he found some difference of opinion to exist as to the practice there. There had been considerable Correspondence between his Predecessor and my noble Friend; but Sir Hercules Robinson adopted the practice—as he states in these Papers—of consulting his Ministers, and he states that he did so on a Circular written by my noble Friend opposite (Earl Granville). My Lords, I think if you study those Papers carefully you will find that in reality there is very little difference among those who have held the Seals of the Colonial Office with respect to the responsibility in the exercise of the Prerogative of mercy. In a despatch written by my noble Friend opposite (Earl Granville) on the 4th October, 1869, when he filled the office of Colonial Secretary, writing to the Governor of New South Wales, he says—

“The responsibility of deciding upon such applications rests with the Governor, and he has undoubtedly a right to act upon his own independent judgment. But unless any Imperial interest or policy is involved, as might be the case in a matter of treason or slave-trading, or in matters in which foreigners might be concerned, the Governor would be bound to allow great weight to the recommendation of his Ministry.”

On the 1st November, 1871, my noble Friend (the Earl of Kimberley) who succeeded my noble Friend (Earl Granville) wrote thus—

“The Governor, as invested with a portion of the Queen's Prerogative, is bound to examine personally each case in which he is called upon to exercise the power entrusted to him, although, in a Colony under responsible Government, he will of course pay due regard to the advice of

Lord Lisgar

his Ministers, who are responsible to the Colony for the proper administration of justice, and the prevention of crime, and will not grant any pardon without receiving their advice thereupon."

In the Instructions relating to this matter, which I think have undergone no change during a great many years, three things are required—first, that the report of the Judge be taken into consideration; next, that the Executive Council should give advice; and next, that the decision will be regarded as that of the Governor. The noble Lord (Lord Lisgar) has quoted a passage from my despatch of the 7th of October, 1874, which is quite in accordance with what is laid down by my two noble Friends in the extracts I have just quoted; and as a further proof of the concurrence on the part of myself and my noble Friends, perhaps I may be allowed to read a passage in another despatch of mine to Sir Hercules Robinson written on the same day—

"You will, I apprehend, have no difficulty in conforming to the clear rule laid down in your instructions, which is based on this principle—namely, that on the one hand, the Governor to whom personally the Queen delegates a very high Prerogative, cannot in any way be relieved from the duty of judging for himself in every case in which that Prerogative is proposed to be exercised; while, on the other hand, he is bound, before deciding, to pay the most careful attention to the advice of his Ministers, or that one of them who, in the matter under consideration, may be selected to represent his colleagues."

My Lords, I quite admit that at times the exercise of the Prerogative of mercy may be one of great difficulty. Difficulties will arise in its exercise on the responsibility of the Governor; but, on the other hand, one very great advantage of making him the depository of the Crown in this respect is that he stands apart and is not subject to those influences which have been referred to by my noble Friend who last addressed your Lordships. In the larger Colonies where there is the fullest freedom of political government, nice distinctions will have to be drawn; but I believe that the men who are appointed Governors of those Colonies will be competent to draw those distinctions. No doubt, it may be objected to the system of the Governor consulting the Minister, and still acting on his own judgment, that it sets up a double responsibility. In reply, I submit that in this case a concurrent responsibility is better. On the one hand, the

Governor will not be relieved of his responsibility to the Crown, and on the other hand the local Government will not be relieved of its responsibility to its own Parliament; so that while the Colonial Parliament may punish the Minister for improper advice, the Crown may punish the Governor for an improper decision. The fact is that, in these matters, we cannot be too logical. In the way I have just indicated, you may reconcile differences and overcome difficulties which cannot be counteracted by logical means. As to the banishment to which the sentence in New South Wales was remitted, I cannot concur with my noble Friend (the Earl of Belmore) in what he said as to that. The Colony, as a part of the British Empire, had no right to transport a criminal to another part of the Empire. The fact, however, is, that, in this instance, action was taken under an existing law which had been sanctioned many years ago; but, at that time, the circumstances were very different. That might have done very well when criminals sent out of a colony were turned like a scape-goat into the wilderness, and nobody was much the worse; but now things are different; flourishing communities have sprung up all around, and the Australian Colonies must find means of detaining their own criminals. I am able to say that the Colonies of New South Wales and Australia have expressed their willingness to repeal this law. As to the Australian case, I shall have no difficulty in producing the Papers asked for by my noble Friend—in fact, I believe those Papers are already before your Lordships. I am not aware of anything that can add to the information already before the House with respect to the case of Gardiner. As to the Canadian case, I am not at present prepared to lay the Papers referring to it on the Table of your Lordships' House. I may remind your Lordships that Lepine was concerned as principal in the murder of a man named Scott, was brought to trial, convicted, and had sentence of death passed upon him. It was a political murder, and Lord Dufferin very wisely commuted the sentence into 10 years imprisonment. My noble Friend (the Earl of Belmore) had observed that Lord Dufferin, in this case, acted without the advice of his Ministers. But, having to deal with that sentence, Lord

Dufferin found himself on an entirely different footing from that occupied by Sir Hercules Robinson in the case of Gardiner. The case of Lepine rested on wholly exceptional grounds. Those of your Lordships who are acquainted with the facts will remember that the circumstances arose in a particular part of the North-west, which is not a portion of the Canadian Territory. That of itself would have been a distinction. But there was more than that. Everyone is aware of the passionate feelings which the case excited. The case of Gardiner is one which has happened over and over again, and which, in all probability, will happen over and over again; but the case of Lepine is one which has not happened before, and is not likely to happen again in the lifetime of any one of us. But I may go one step further, and say that though, on the other hand, there may not be any formal record in the shape of a Minute of the Colonial Government of any communications between Lord Dufferin and the Colonial Government in reference to the remission of the sentence; on the other hand, full and ample communication did pass between them on the subject. He was perfectly aware of all the information the Colonial Government could give him, and of the opinion which they entertained, just as much as if all this had been embodied in a formal shape. In conclusion, I have only to say that I think my noble Friend Lord Dufferin was fully justified in the course he took, and that I am fully prepared to give him all the support in my power.

THE EARL OF KIMBERLEY: My Lords, I concur with what my noble Friend the Secretary for the Colonies has said as to the inexpediency of producing the Papers on the Lepine case, and I am glad that my noble Friend (the Earl of Belmore) does not intend to press for those documents. I have heard with pleasure the testimony of my noble Friend opposite (the Earl of Carnarvon) as to the way in which my noble Friend Lord Dufferin dealt with this extremely difficult matter. I think that no more difficult question has ever arisen in Canada, or none more trying to the firmness, patience, and discretion of the Governor General. It is gratifying to find that, so far as we can learn from the public sources of information, his

action appears to have given satisfaction in Canada; and if that be so, he deserves the credit of having relieved Canada from a serious difficulty. I concur with everything said by my noble Friend as to the exceptional nature of this Lepine case. It is so exceptional in its character that no can suppose any general principle will be affected by the action of the Governor General. As regards the general question of the exercise of the Prerogative of mercy by Colonial Governors, that certainly does involve the exercise of one of the most delicate functions of the machinery of Colonial Government, and the noble Earl opposite was quite right in saying that, in matters of this kind, we ought not to be too logical. Constitutional Government in this country has not grown up by means of a rigorous application of the principles of logic, but rather by a happy application of good sense on the part of men who proved themselves equal to deal with emergencies. I think my noble Friend the Secretary for the Colonies has laid down the rule quite correctly in his final despatch. I am glad that he does not differ in any way from my noble Friend (Earl Granville) and myself, and I am happy to express my opinion that the noble Earl (the Earl of Carnarvon) has dealt with it in the right spirit.

THE EARL OF BELMORE, in reply, said, his noble Friend opposite (Lord Lisgar) was mistaken in supposing that he differed from Lord Dufferin in respect to the Lepine case. From his limited knowledge of the case, he was led to believe that Lord Dufferin had acted quite rightly, and had only done what the noble Lord (Lord Lisgar) would have done had he still been Governor-General, and what he himself might probably have done had it been his lot to fill that position. As to what his noble Friend the Secretary of State had said about his (the Earl of Belmore's) misunderstanding his decision as to the course to be pursued in future, that was not so. The fact was, that he did not understand, before his noble Friend's speech, that the Papers had already been presented. He (the Earl of Carnarvon) had been kind enough to send him a copy of them privately, but he did not, when he was speaking, know that he was at liberty to refer to them. As to Gardiner's punishment, there was a dif-

ference between exile and transportation. Nobody in New South Wales ever supposed that a Governor could transport, but he could pardon on condition of a prisoner's exiling himself for remainder of the term of his sentence. He did not wish to persevere with his Motion, as he understood from his noble Friend that the Papers which were already on the Table would give him all the information that was material.

Motion (by leave of the House), *with-drawn*.

THE ESTABLISHED CHURCH OF SCOTLAND—THE TEIND SYSTEM.

QUESTION.

THE EARL OF MINTO, in asking Her Majesty's Government, Whether they intend to introduce a Bill or to propose the appointment of a Commission or Committee of Inquiry, or to adopt any other means for ascertaining, adjusting, and fixing with greater precision than the existing law admits of, the pecuniary liability of the lands in the various parishes of Scotland for the maintenance of the Established Church, said, that the subject was one of considerable importance. In the matter of tithes, to which his Question related, Scotland had anticipated England by nearly two centuries and a-half, for in the time of Charles the First a measure was passed for the commutation of tithes in that country, which had operated with much greater benefit than people were aware of. Only a few days ago he had read in the columns of *The Times* a letter from Mr. Clare Sewell Read on the subject of agricultural legislation, in which he stated that no Act of Parliament had been so beneficial to agriculture as the Tithe Commutation Act passed for England some 30 years ago; and he (the Earl of Minto) believed that Scotland was equally indebted to an Act passed more than 200 years earlier for the commutation of tithes in Scotland—based upon the same statesmanlike views that produced the Tithe Commutation Act for England—for the present flourishing condition of agriculture in Scotland. The great principle of the Scotch Act was to abolish the system of exacting tithes from the cultivation of the soil in proportion to the amount of his produce, which checked in a greater or less degree the increase of the production

of the land; and it enacted that tithes should be commuted in Scotland at a fixed amount, on the principle of assuming that one-tenth of the produce was represented by one-fifth of the rent. Further, it enacted that all landed proprietors might redeem the tithes on their land by the payment of a sum of money fixed at a certain number of years' purchase. From a very early date this power was largely taken advantage of in Scotland, and in due course in Scotland all the tithes were commuted, and a great and undoubted improvement took place in agriculture in consequence. It was, however, unavoidable in the nature of things that in the long course of years which had since elapsed many defects and abuses should have crept in which it was desirable to remedy. Among other defects, were those relating to the stipend of the ministers. The parochial ministers of the Church of Scotland were to have a stipend of a fixed and moderate amount allotted to them out of the tithes, and they were now entitled to an augmentation periodically of stipend in the event of any fresh tithes being discovered which were not exhausted by the existing amount of the stipend. He (the Earl of Minto) did not deny that this might be a proper provision to make for the clergy; but he could not conceal the fact that it led to a great deal of heartburnings, and to many of the difficulties which had occurred in recent years. In Scotland, as their Lordships were aware, when this Act was passed about 200 years ago, land was worth comparatively little. Since then there had been an enormous increase in its value, and land which was then valued at a sum which would bring in £200 a-year would now bring in at least £2,000. But nevertheless it would be burdened to no greater extent than was imposed by the old Act or one-fifth of the then rental—that was to say that land that was rented at £200 a-year at that time and produced £2,000 a-year now, would be valued for tithe purposes at no more than £40. The result was an enormous inequality in the burdens thrown upon the land, and very much litigation was caused. Those who were interested in discovering that the tithes of parishes had not been exhausted had frequently made out their case, and so invalidated the valuation that had been hitherto in force. In

many cases this pressed most cruelly and unjustly. They might easily conceive a case of this kind, where a minister making an investigation into the state of the tithes, with a view to claim an augmentation, might fail in the case of nine out of ten proprietors, and succeed in the tenth: the result would be that the one individual whom he succeeded against would have to bear the whole cost of the augmentation of the stipend. Could anything be more unjust or more likely to lead to litigation? The expense incurred in making the investigation was something beyond conception, and he had known cases where the augmentation was only £60, and the agent's charges amounted to between £300 and £400. Sometimes the records of the valuation of a parish were destroyed through accident or otherwise, and then no one could tell with any certainty what the value of the parish in respect to tithes was. A remedy ought to be found for this state of things. He would not trouble their Lordships with details, but would just state some extracts from the evidence which was taken before the Courts of Law Commission upon the subject of the teinds in Scotland. Mr. Logan, Clerk of Teinds, said—

"Some of our old valuations are in a very bad state. Some of the frailest I do not allow to be inspected except under my own eye . . . they are like tinder; the very air that blows upon them carries off bits of them, and very often very essential pieces. Of late a kind of crusade against the validity of valuations has been made."

Mr. Clarke Brodie—

"Thinks it a great discredit on our system that we have questions depending on what has taken place more than two centuries ago, ending, as they not unfrequently do, in the inversion of a possession which has existed during all that period."

Mr. J. M. Duncan—

"Litigation is increased of late. Questions in connection with valuations, which for a long time lay dormant, have been stirred—questions as to whether in the old valuations the minister had been called, as to the identity of the lands, and whether certain names applied to certain lands known formerly by other names."

Seventy years' litigation had taken place for an augmentation of stipend of £40 or £50. In Haddington parish an interim apportionment of the burden of stipend was declared by the Teind Court, and was acted upon for a couple of generations, until 1868, when the Court de-

cided that the following proprietors had been overcharged, and must be repaid by those who had been undercharged:—Sir Robert Stephenson got back £1,804, the Earl of Hopetoun £2,630, Lady Susan Bourke £1,481, Sir T. B. Hepburn £1,103, and the North British Railway £3,003. The following having been undercharged had to refund:—Lord Blantyre had to refund £5,197, the Earl of Wemyss £7,466, the Estate of Monrig £4,018, &c., &c. In a certain parish there were five proprietors whose burdens were as follow:—No. 1 property, valuation £2,038, stipend £65—£1 for each £30 rental. No. 2 property, valuation £1,784, stipend £127—£1 for each £14 rental. No. 3 property, valuation £1,050, stipend £19—£1 for each £52 rental. No. 4 property, valuation £927, stipend £14—£1 for each £61 rental. No. 5 property, valuation £652, stipend 15s.—£1 for each £870 rental. In Auchterarder parish six large proprietors, having a joint rental of £8,075, paid £140 stipend, being £1 for every £57 rental. Six small proprietors, with a rental of £90, paid £22 stipend, being £1 for every £4 rental. Common agent's expenses for an augmentation of £56 were £344, being at the rate of £6 of expenses for every £1 of augmentation. These cases would show how urgently the law required amendment, and he trusted that answer which he should receive from the noble Duke would be such as to lead him to hope that the subject would be dealt with this Session.

THE DUKE OF RICHMOND, in reply, said, that the noble Earl had entered so fully into the history of the question of teinds in Scotland that it was not necessary for him to add anything to it. No doubt there was a great deal in the arguments which he had brought forward to show that a necessity existed for the revision of the existing system. He had also shown conclusively that a good deal of inconvenience and possible injury was occasioned by the mode of procedure in the Teind Courts of Scotland. These matters were very distinctly brought forward in the Report of the Law Commission of Scotland of 1870. His right hon. Friend the Lord Advocate had at that moment under consideration the question as to whether he could adopt any improved mode of procedure in the Teind Courts so as to

do away to a certain extent with the grievances which the noble Earl complained of. At the present moment, however, he was unable to say that any Bill was in contemplation on the subject, nor could he hold out any hope that the Government would be able at any early period to bring a measure on the subject before Parliament.

SUPREME COURT OF JUDICATURE
ACT (1873) AMENDMENT (No. 2) BILL.
(*The Lord Chancellor.*)

(NO. 48.) SECOND READING.

Order of the Day for the Second Reading, read.

Moved, "That the Bill be now read 2^d."
—(*The Lord Chancellor.*)

EARL GRANVILLE hoped their Lordships would not think it presumptuous in him to take part in the discussion of this Bill the subject-matter of which was so important to the House. Some years ago he spoke in that House of his despair at seeing any great measures of Law reform pass. As long as general principles were talked of there seemed a general agreement; but as soon as one learned Lord embodied those principles in a Bill, all the other Law Lords pulled it to pieces. In 1873, however, he received a practical reproof—the noble and learned Lord behind him, profiting by his own labours, and by those of others, introduced a Bill on the subject of Final Appeals to that House. The Bill was not the same as his immediate Predecessor's (Lord Hatherley's); but it received the complete adhesion of a noble and learned Lord who was not now in the House, and in whose bereavement all must deeply sympathize—he meant Lord Chelmsford—and who stated that he had long been of opinion that it would be impossible long to maintain Final Appeals to that House. The noble and learned Lord on the Woolsack gave a most important support to that Bill, and he (Earl Granville) believed the whole country appreciated the entire absence of Party feeling, or anything like personal or professional jealousy, with which the noble and learned Lord gave his whole heart and soul to the measure of his noble and learned Friend. That Bill passed their Lordships' House with not much opposition. It went down to "another place," where it also passed. On

its passing, the Prime Minister acknowledged with regret that it had not been found possible to make a satisfactory arrangement with regard to Final Appeal in that House. He, however, supported the Bill strongly, and boasted of the efficient aid the noble and learned Lord had given it, and it ultimately became law. In the following year another measure was introduced for the purpose of continuing and completing the work which had been already done, and that Bill was supported by his noble and learned Friend near him (Lord Selborne), although he was not sure that he approved the whole of its provisions. It was again opposed by the noble Lord the Chairman of Committees, of whom he (Earl Granville) made no complaint, for if—as he undoubtedly did—he considered the best Court of Appeal to be the present one, with or without some little modifications, it was highly creditable to him to do his utmost to maintain the privileges of that House. It was opposed by a noble and learned Lord (Lord Penzance) than whom no one stood higher as a barrister or a Judge, but who would be the first to acknowledge that his experience of the practice in the House of Lords was very small indeed compared with that of the four Chancellors whom he had mentioned—by the Lord Justice Clerk, who certainly represented with great authority the opinions of the legal profession, although he had subsequently somewhat modified that statement—the opinion of the suitors was not so clear, as the able newspaper *The Scotsman*, with its great circulation, had taken the opposite view. The Bill was also opposed by the late Lord Chancellor for Ireland, who had given his reasons for a vote which had surprised the House, and had based his argument a good deal on the unanimous opinion of the Bench, the Bar, and the solicitors in Ireland. It might, however, be observed that within the last fortnight the statement as to the Irish Bench had been contradicted by an eminent Judge. Notwithstanding that opposition the Bill was easily carried, and went down to the House of Commons, but was not passed for reasons which Her Majesty's Government had stated. It was re-introduced into this House this year. Some proposals of a dilatory character were warmly and properly opposed by the noble and learned Lord. The second

reading was passed; but a Notice was given by a noble Duke (the Duke of Buccleuch) on going into Committee. It was impossible for him (Earl Granville) to know previously whether any change had been made in the opinions of some of his political Friends by the canvass in and out of the House, but it was agreeable to him to find that that summons to oppose was numerously responded to by them, and though he could not assert that some of them might have voted with the noble Duke, he was not aware of any one who had done so, excepting those who had voted in the same sense last year. The Motion of the noble Duke was, however, postponed, and on the memorable Monday when the noble and learned Lord, without any Notice to the House, came down, and with an emotion which was easily understood on the part of a strong man, who had worked so hard and with such ability for the attainment of an object of the greatest public importance, he made a statement expressing with great regret his intention to withdraw the Bill. Which he did, although an unprecedented act with regard to a most important measure, at an early period of the Session, and without any adverse vote of Parliament. The Secretary for Foreign Affairs followed, and with unusual warmth, expressed his deep regret, and the noble Duke justly found fault with him (Earl Granville) supposing that he did not feel equal regret with his two Friends. The House knew what was then the opinion of three of the most important Members of Her Majesty's Government. What might be their present opinion was a secret. He trusted that the course which Her Majesty's Government had followed would not be taken as a precedent, for it was most inconvenient that a Bill should be thus withdrawn without Notice, and without the House having the opportunity of showing by their debates and their votes what their opinion was. The responsibility for the action taken rested entirely upon the Government, and could not be laid in any sense upon the House as a body. The subject was one in regard to which the country was most anxious, and he hoped there would be no drawing back on the present occasion. A few days ago in the House of Commons he heard a story told as to the opinion which Mr. Canning held in

Earl Granville

reference to the veracity of people who said they preferred dry to sweet champagne. With the permission of the House he would repeat to their Lordships a story which, as a boy, he himself had heard from the lips of Mr. Canning. It was the story of a sick man who complained to his doctor of being unwell, and being asked to describe his symptoms, said, "I feel so very empty before my dinner and so very full after it." This story somewhat explained the position of the public in reference to the question of legal reform. They felt empty now, but he would not venture to say that they would feel full when, at the end of the present Session, after their appetites had been so long tantalized by these great law reforms, they found that one had been passed with the substance taken out, as in the case of the omission of the compulsory character of the Transfer of Land Bill, and the other, the subject of the present discussion, from which the provision which formed the very key-stone of such reform, rightly viewed, had been omitted, or at any rate postponed. When the present Government was formed, a person of great Parliamentary experience stated his opinion that its principal characteristic would be timidity. He would not venture upon any such prophecy. The Government was young and strong, and the Prime Minister upon one occasion, when charged with having done little for the public good, replied that the country would see what he would do when he had a majority at his back. The country had waited patiently for the measure, and was waiting still. But an eminent Member of the Government in the other House had told his constituents in the last fortnight that in his opinion the principal business of Parliament was not to legislate, but to vote the Supplies and listen to the grievances of the people. If this was the only answer which could be given to the complaints so generally made as to the want of earnestness and energy on the part of the Government, he was afraid they were departing from their traditions of Parliamentary Government. But he would not dwell on that subject. His object in rising had simply been to take off the shoulders of the House in general and to fix upon the Government the responsibility for the very abnormal position in which they found themselves with

regard to the measure now before the House.

LORD REDESDALE said, that no blame whatever could attach to the Government for withdrawing the Bill introduced at the beginning of the Session. But he rose to rebut the aspersions cast upon the Committee which was formed last year for the purpose of obtaining the opinion of the Legal Profession in England with regard to the Judicature Bill. He could fearlessly assert that there was nothing in its formation or its action that was improper or objectionable; but on the contrary it had performed most useful service both to Parliament and the country: and so far from being of a party character, the Committee included gentlemen who belonged to the Liberal as well as the Conservative side in politics. He himself when asked to join it had refused to do so, lest his connection with it might lend it an air of political partizanship. In fact, the Profession in Scotland and Ireland having spoken out against the abolition of the Appellate Jurisdiction of their Lordships' House, this Committee—which at first consisted exclusively of professional men—was self-constituted. The only thing he regretted in regard to the Committee was, that its Memorial to the noble and learned Lord on the Woolsack was presented too late:—had the Committee's opinion been expressed before the introduction of the Bill, it might have been attended with more advantage than was actually the case. The Government had been condemned because they had not carried out the Bill of 1873. But that Bill was not theirs at all. Its main feature was that there should be a High Court from which no appeal could be made. Now, this point was one which the noble and learned Lord now on the Woolsack himself pointed out on its first reading that the want of a Second Appeal was a serious drawback to its value; but said that inasmuch as it carried out the great principle of the fusion of Law and Equity he would support it. In the next year a change of Government took place, the noble and learned Lord (Lord Cairns) took his seat on the Woolsack, and at once proposed an intermediate Court of Appeal. Therefore he (Lord Redesdale) contended that the Government had not acted inconsistently in the matter. That they should have pro-

posed to restore the second appeal was perfectly reasonable and only what might have been expected. It was true that nothing had yet been said as to where the second appeal was to go to when the jurisdiction of the House of Lords passed away next year; but it was perfectly obvious that if the present Bill passed, steps must be taken either to continue the jurisdiction of that House, or to constitute an entirely new Court of Final Appeal, for by this Bill the action of the Act of 1873, in respect of appeals was suspended until next year, when it would have to be determined whether the ultimate appeal should continue to be made to this House, or transferred to some other Court not yet heard of. He altogether denied that the country had shown a desire to have the jurisdiction of the House of Lords abolished. On the contrary, he believed not a single public Petition had been presented with that object. Nearly everybody in the country seemed to be satisfied with the manner in which the Appellate Jurisdiction of the House had been carried into effect, and he saw, therefore, no good reason why it should not be continued. Now came the question, what was to be the course of proceeding on the subject next Session. He was glad to think that the view which he took with respect to it was one which was gradually gaining ground in public opinion. He had had his attention recently directed to a statute to which he thought it right on the present occasion to refer. One of the most important alterations required with regard to the Appellate Jurisdiction of the House of Lords was that it should be available during the Recess, when Parliament was not sitting; and he found that more than 400 years ago, in the reign of Edward III., when Parliament used not to sit regularly from year to year, measures were taken in order that there might not in consequence be inconvenient delay in obtaining justice. A statute was accordingly passed—the 14th of Edward III. Stat. 1, cap. 5—to prevent such delay, by which it was enacted that at every Parliament a Prelate, two Earls, and two Barons should be chosen, who were to form a commission to hear and determine causes during the time Parliament was not sitting, with authority to call to their aid the Chancellor, the Justices of the Bench, and others of the King's Council. And

to show how distinctly the Parliamentary character of that tribunal was kept up, it was provided that if it seemed to them that the difficulty in any case was so great that it could not well be determined without assent of the Parliament, it was to be brought by the said Prelate, Earls, and Barons to the next Parliament. Here was, he thought, another of those instances in which we would do well to be guided by the wisdom of our ancestors. It was true there were now no arrears, and the work was done satisfactorily; but it might be well to adopt a similar Commission to sit when the Courts were sitting and Parliament was not. He did not know that he had much more to add beyond expressing a wish that no undue pressure should be put on the Government as to the course which they might deem it right to take next Session. He believed the maintenance of the Appellate Jurisdiction of the House to be of the greatest importance. It had a prestige which no other Court of Appeal could possess, and had its duties not been discharged with advantage to the public that prestige could never have been secured. The manner in which appeals had been disposed of late years was entirely free from objection. No complaint could be urged as to the mode in which the business had been attended to, or as to the accumulation of arrears. Not only, he might add, had Scotland and Ireland a right to protest against the jurisdiction of the House being done away with on the score of its efficiency, but because it was a thing to which they were entitled by their several Acts of Union. Was it fair, he would ask, that a solemn covenant should be set aside in opposition to the feelings of those whom it mainly affected? The only remaining question was, why should not England be placed in the same category? Under all the circumstances of the case, he hoped the second reading of the present Bill would be assented to, leaving it to the Government, availing themselves of matured public opinion on the subject, to consider what course they would take next Session.

THE MARQUESS OF SALISBURY said, the debate seemed to have fallen into some confusion—their Lordships seemed to have forgotten that this was an inconvenient time to enter into the question of the retention of the Appellate

Jurisdiction of the House of Lords, seeing that there was a clause in the Bill under discussion which proposed to reserve the decision of that question until next year. He wished also to correct what appeared to him to be one or two errors of fact in the philosophic history of the question in which the noble Earl opposite (Earl Granville) had indulged. The noble Earl was pleased to credit the Government with having created a new precedent in the present instance. He was kind enough to hint that the withdrawal of a measure which was not likely to have the general support of their own Friends in Parliament was a thing wholly unknown in our Parliamentary annals. He was, however, surprised to find that the noble Earl's memory was so bad—he should have thought the noble Earl's own experience would have furnished him with abundance of examples. If he could only carry his memory back to some parts of his own political career, or that of those with whom he acted, he might have been able to recollect that some analogous cases of similar misfortune had befallen a Government which possessed a large majority. These cases were abundant enough; but the most remarkable was one in which he believed the noble Earl was himself interested. It happened during the Government of Lord Aberdeen in 1854. A Reform Bill was then introduced with a great flourish of trumpets; but before the date fixed for the second reading it was suddenly and without Notice withdrawn—and precisely for the reason—he was speaking from recollection—that the Government of the day found it would not be supported in adequate numbers by their ordinary followers. It was no doubt a great misfortune and a great source of annoyance to a Ministry to find themselves in such a position, and Her Majesty's Government did not conceal from themselves that that was so in the present instance; but when that not only in one, but in both Houses of Parliament, there was no probability that a measure which they had introduced could be passed into law, it was, he thought, their duty rather to withdraw it than by pressing it on amid a conflict of opinion which might lead to the inconvenient result, that either House might find itself pledged to a course from which it might afterwards find it difficult to retreat. The great

danger was that if this Bill had passed, and it should ultimately result in the Appellate Jurisdiction of this House being retained, it might be retained in a form which might make it a weak and inefficient Court of Appeal. The great object had been, and still was, that whatever Court of Appeal Parliament decided upon having should be a Court that would satisfy the profession and the public, and be as strong as they could well make it. What particular form that Court of Appeal should assume they reserved for the decision of Parliament next year, and he certainly should not now enter into that question. He acknowledged the vexation to which a Government was subject when such a hindrance to its legislation presented itself; but he did not complain of those by whose action that had been produced, because there had undoubtedly been a remarkable modification of opinion out-of-doors on that matter, and he was not the least surprised that persons who in 1873 thought the retention of their Lordships' jurisdiction was hopeless now entertained a more sanguine expectation. The noble Earl opposite (Earl Granville) had referred to a point to which he was fond of adverting in his addresses to the House; contending—namely, that the measures of the Government were all of them feeble, unsatisfactory, and empty. The noble Earl seemed to think that the public stomach should be entirely fed on violent and compulsory legislation, and that it would suffer considerable disappointment, and its appetite would not be satiated by the legislative food supplied by Her Majesty's Government. When the noble Earl asserted that any Member of the present Government had led the public to believe that when they came into office they would introduce measures of the strong and violent kind proposed by the late Ministry he was under a total misapprehension. "Worrying legislation," "harassing legislation," "heroic measures" had been denounced by those who formerly sat on the Opposition benches in either House of Parliament with perhaps wearisome pertinacity; and if any one assurance had been given by those who sat on his side of the House more than another, it was that they would avoid worrying and harassing legislation. If, therefore, after those announcements the noble Earl opposite had really expected such measures

from the present Government, he had certainly been building his hopes on a false basis. Violent legislation had always been alien to the spirit of the Conservative Party. Compulsion, on the other hand, was dear to the Liberal Party. Their only freedom was freedom for the majority to coerce the minority. That was not his notion of the legislation that would be either acceptable or useful to the country. Those who sat on his side believed that persuasion was the best and most useful instrument which Parliament could wield, and that compulsion should be adopted only with reluctance and as a last resort. The measures of the Government that were usually referred to by speakers of the school of the noble Earl opposite, who desired to show them that their legislation was feeble, were such measures as the Land Transfer Bill of his noble and learned Friend on the Woolsack, and the Artizans Dwellings Bill, which was now passing through the other House. It was complained that in the one case they did not force the landowners to register their titles, and that in the other they did not force the vestries to rebuild on the sites they required to be cleared; but that in each instance they placed before them the advantages of the course they recommended, gave them every facility for pursuing it, and then left them to be guided by their sagacity and public spirit. The Government believed that that method was more in accordance with the traditions of the country and more consonant with the present feelings of the people than the hasty and violent adoption of compulsory measures before they had ascertained that compulsion was necessary. Of course it might turn out that any persuasive measures which they might adopt might ultimately be insufficient; that they might be unable to persuade those whose feelings they desired to alter and whose course they wished to modify; and that at last there might remain an impracticable minority to whom it might be necessary to apply compulsory measures. But that was an alternative which they ought to put off till the furthest possible time, and if they were driven to adopt it at last, compulsory measures would then be submitted to all the more willingly, because it would be felt that they had not been resorted to until every other method had failed.

EARL GREY said, he wished to recall the attention of the House from the abstract question of whether legislation should be compulsory or permissive to the real point which his noble Friend (Earl Granville) had raised. His noble Friend complained—he thought most justly—of the course adopted by Her Majesty's Government with reference to a Bill lately before their Lordships. His noble Friend said, the country had an earnest desire for the reform of their Judicature; that the Government had proposed a measure to meet that desire; that both last year and in the present Session they had taken steps for that purpose; but that when a measure for carrying out their deliberately adopted views had been read the second time in that House, and was about to go into Committee, their Lordships were suddenly informed, without any Notice, that the Government, in deference to objections brought before them privately and not in that House, intended to withdraw the Bill. The Bill was withdrawn accordingly, and noble Lords who might have objected to its withdrawal were prevented from doing so, through having been taken by surprise. That, he thought, was an unfortunate course for the Government to have pursued. The noble Marquess (the Marquess of Salisbury) had referred to the abandonment of the Reform Bill of 1854; but no two cases could be imagined more unlike than that of that measure and the present one. He spoke from recollection, but he believed that his noble Friend (Lord Russell) who had charge of the Reform Bill of 1854 in the other House, was strongly urged not to proceed with it in the then political situation of the country, a war with Russia then being on the point of breaking out. He had himself in that House then pressed the Government of the day not to go on with the measure under the circumstances; and, in subsequently withdrawing it, Lord Russell complied with the general desire of the majority on both sides in both Houses of Parliament. On the other hand, the Bill so lately withdrawn by the present Government was deliberately brought in to amend and complete a measure originally passed in 1873. Yet, without any public expression in either House of Parliament, or without any objection being taken to the Bill as a whole, the Government suddenly aban-

doned their measure. From all he could gather, he was persuaded that if the Government had only persevered with the Bill, they had a very fair prospect of carrying it. If the great bulk of the Members on that (the Opposition) side of the House adhered, as he believed they did, to their former opinion, and Her Majesty's Government had continued firm, it was beyond a doubt that sufficient support could have been commanded on the other side of the House to secure the passing of the Bill; and he could not think it right that a measure of so much importance should have been set aside on the plea that they were unable to do so. It seemed to him that the manner in which the Bill had been withdrawn was most unfair.

LORD DENMAN said, the present measure could not be too soon sent to "another place," where it could be considered by members of the Bar and many others interested in the administration of the law. With regard to the Intermediate Court of Appeal proposed by the Bill, he did not think it so strong as the Exchequer Chamber, and he believed that by extending the principle of the Exchequer Chamber to Courts of Equity, and by admitting Vice Chancellors as well as the Lords Justices of Appeal to a Chamber which might hear appeals in causes not originated in the Rolls Court, or other Courts of Equity, by those who had not heard the original causes, an uniform system might be adopted. He might remind their Lordships that the Court of the Lords Justices and the Exchequer Chamber had been condemned by a single witness (Mr. Farrer), before the Select Committee of this House—because he wished to skip over all intermediate appeals—but it had always been considered advisable by Law Reformers, including Lord (of Session) Cockburn, to strengthen intermediate Courts of Appeal, in order that the Court of Ultimate Appeal might be relieved. The late Lord Westbury, with the approbation of Lord Colonsay, carried a Bill through their Lordships' House to reduce the amount at which appeals from Scotland might be submitted to it, always excepting questions of right. With regard to the Appellate Jurisdiction, it had formed a separate subject for a Bill in 1870; and he (Lord Denman) ventured to think that the portion of the Judicature Bill (1873)

ought not only to be suspended, but to be entirely repealed; if not entirely, at least until the whole question of a Court of Appeal for the Three Kingdoms might have been considered.

LORD PENZANCE wished to say a word or two as to the manner in which they had got into their present unpleasant situation, from which he did not believe they would be extricated by the present measure. Beyond doubt, the Act of 1873 dealt in an imperfect manner with a question of great and general importance. Whatever might have been the opinions entertained as to the best Ultimate Court of Appeal, there seemed to have been unanimity in the view that it ought to be a Court of Appeal for the Three Kingdoms. But the provisions of the Act of 1873 applied to only one of the three. His noble and learned Friend the late Lord Chancellor (Lord Selborne) in addressing the House the other night, candidly gave his reason for proceeding in that way. He said that Scotland and Ireland were contented with the House of Lords as a Court of Appeal; that he would have been told this if he had proposed to make the measure apply to them; that he would further have been told the proposal was at variance with the Acts of Union; and under all the circumstances there would have been no hope of success; but while entertaining that view, the noble and learned Lord fully anticipated that before long Scotland and Ireland would seek of their own motion to have the measure extended to them; and in that way an ultimate Court of Appeal for the Three Kingdoms would, he believed, be obtained. Perhaps this was a very adroit plan; but it had always struck him (Lord Penzance) as being a mode of dealing with the subject which prevented it from being fairly discussed. If, when the measure of 1873 was before the House, any Member had introduced the question as to Scotland and Ireland, he would have been immediately told they had nothing at that time to do with these parts of the United Kingdom; and then next Session, when the subsidiary Bill to include Scotland and Ireland was brought forward, Parliament was told—"It is too late to raise the question of the Appellate Jurisdiction of the House of Lords—that jurisdiction has been given up." Was that a fair

and reasonable mode of dealing with the subject? The Appellate Jurisdiction of the House of Lords had existed time out of mind, and was generally supposed to have been a benefit to the public. He was sure no one would deny that the moment their Lordships were satisfied that that jurisdiction could not be exercised for the benefit of the public there would be no desire on their part to retain it. But under the actual circumstances, their Lordships—who were merely the guardians of that jurisdiction—were bound in duty to retain it, until they saw good reason to abandon it; and when a question as to its abolition arose, it ought to be fully discussed in all its bearings. The omission of Scotland and Ireland from the Bill of 1873 had led, in his opinion, to all the difficulty which had followed. When the noble and learned Lord on the Woolsack came to consider what ought to be done, he must have seen that he was obliged to take either a step forward or a step backwards. He had either to recede from the legislation of 1873, or seek to bring Scotland and Ireland under the proposed new Court of Ultimate Appeal. Under the circumstances the decision came to by the noble and learned Lord and Her Majesty's Government was not at all surprising. A step which had been taken by a part of the legal profession with regard to this question had been severely criticized. The Committee which had been formed had for its simple object to ascertain the opinion of the profession, and it was the means of demonstrating that an opinion which had been supposed to be that of but few persons was in reality very generally entertained. The Memorial which was got up was signed, he believed, by about 400 barristers, including a majority of Her Majesty's Counsel. What there had been amiss in these proceedings, he was at a loss to conceive. He regretted to learn, from the report of a speech delivered at the Fishmongers Hall the other night, that his noble and learned Friend (Lord Selborne) had selected this somewhat dull subject for an after-dinner speech, and indulging in a certain festive breadth of expression, had spoken of "cliques and intrigues" when commenting on the opposition to his views. He hoped that, in his matutinal moments, his noble Friend would hardly

approve of this language. For whatever else he might think on the subject, he did not believe his noble and learned Friend really imagined there was anything underhand in the conduct of those who objected to the abolition of the Appellate Jurisdiction of their Lordships' House.

LORD SELBORNE said, he thought that at some stage or other of the measure now under consideration it would not be improper for him to state the reasons why he still adhered to the belief that the arrangement of 1873 was altogether better than any which could be substituted for it, and also the difficulties which occurred to his mind in regard to everyone of the alternative schemes which had been suggested. The course of the debate had, however, been such as to make him think that the present would not be the most fitting opportunity for entering into those points. He wished to defer to the general feeling of their Lordships; but, probably, on the Report or the third reading he might have an opportunity of stating his views on the general subject. Indeed, he should not have troubled their Lordships at all on the present occasion but for some remarks made by his noble and learned Friend who had just sat down (Lord Penzance) and by his noble Friend the Chairman of Committees. His noble and learned Friend had alluded to the terms in which he (Lord Selborne) had elsewhere expressed his view of the nature of the external organization and influence brought to bear on their Lordships with reference to this matter. In the first place, he must disclaim the notion that he intended to impute to the persons concerned anything that was dishonourable or inconsistent with the most perfect purity of motive. His words might possibly not have been the best which could be selected, and one word in particular — "intrigue" — he would rather not have used. But with regard to the rest of the language he employed he would remark that he was entitled to his own opinion. As one who was responsible for endeavouring, solely in what he believed to be the public interest, to assist their Lordships in their deliberations on these important subjects, he thought it would not have become him to try to counteract by similar means the influence of the external

Lord Penzance

organization to which he had referred. What would their Lordships have thought if Members of this House, enjoying the consideration which was undoubtedly and justly enjoyed by some of those to whom he alluded, were to go out-of-doors and canvass for a show of professional or public opinion adverse to the retention by their Lordships of the Appellate Jurisdiction? Such, he thought, would have been the most improper course he could possibly himself have taken. So far from being willing to use such means, he had never sought to bring personal influence to bear even on his nearest and dearest friends in regard to their conduct on these questions. They all knew what could be done by means of associations, and how fictitious and valueless was much of the so-called opinion which in that manner was organized. He thought it far from improbable, that as many as 400 barristers, including not a few Queen's Counsel, could have been got to sign a Petition that the Judicature Act might be altogether repealed if they had thought the change in the House of Commons afforded them an opportunity of carrying that point. He did not mean to say that an external organization which endeavoured to enlighten the minds of the people at large on legal or other reforms was not perfectly legitimate; but here, after two Sessions of legislation by their Lordships, this organization was got up in the autumn and was suddenly brought to bear on this matter in an unusual and extraordinary manner, and in a manner which had the effect of removing from Parliament the voice and influence it ought to have in determining the course which Her Majesty's Government should pursue. Then his noble and learned Friend (Lord Penzance) had spoken of the adroit mode of dealing with the subject which had been adopted by him in 1873, in then excepting Scotland and Ireland, and proposing to deal with England only. Now, nothing could be more distinct or direct than the language he used in introducing that measure to their Lordships. He said—

"I now come to the subject of the Appellate Jurisdiction. I do not propose to deal by this Bill with the appeals from Scotland or Ireland. Those countries have each their own system of jurisprudence and judicature, with which, so far as their original jurisdiction is concerned, this Bill does not in any way deal. Furthermore,

the evidence given before your Lordships' Committee last year by gentlemen conversant with the practice of appeals from Scotland was to the effect that no change was desired in that country. I think the views entertained by the people of Scotland on this subject are entitled to very great respect; it would be an unwise and unnecessary thing to propose changes applicable to that country which the public opinion of that country does not require. As to Ireland, there was also no evidence that any change was wanted. I do not, of course, conceal from myself that if you establish in England a thoroughly good appellate jurisdiction, and find that it works as we hope it will work, opinion both in Scotland and Ireland may probably hereafter trust to the application and adoption of the same system in those countries. But I am perfectly content to wait and not to anticipate the time. All I propose is that, in the constitution of the Court of Appellate Jurisdiction, we may make it possible to have the services of eminent Judges who have served in Scotland and Ireland."—[3 *Hansard*, ccxiv. 348-9.]

He did not think he could have stated more clearly both the reasons of his abstaining at that time from proposing anything about Scotland and Ireland, and also his expectation that what he then proposed would lead finally to the inclusion of Scotland and Ireland in the plan which he proposed for dealing with final appeals. His noble and learned Friend on the Woolsack then approved the course which he (Lord Selborne) took. He was sure that nothing would have been more absurd than any short-sighted dexterity on his part, for in a very short time it would necessarily have been found out. But the truth was that any of their Lordships who heard that statement must just as easily at that time as at any other time have discussed the question, whether it was right and convenient to make an arrangement as to a Court of Final Appeal for England, which could not at once be extended to the other parts of the United Kingdom; and those who thought it improper and inconvenient to do so, whether Members or not Members of this House, could not excuse their silence during the whole of that Session by any pretence that they were misled. Indeed, what then took place, both in Scotland and in Ireland, most clearly proved that the attention of the legal profession, in both those countries, was distinctly directed to this point. He still thought it would be a very good thing to try the best scheme they could devise for England, even though it might be necessary to postpone its application to Scotland and Ireland;

and he had no doubt that in the end Scotland and Ireland would wish that scheme extended to them. He wholly denied that any difficulty was created by any adroit dealing with the subject on his part, with reference to Scotland and Ireland. If there was to be any responsibility in the matter he was quite willing to bear it, and he should rejoice that at the end of his life he had the responsibility of having recommended that measure to the adoption of their Lordships and the other House of Parliament.

LORD O'HAGAN said, he was glad that the noble Earl (Earl Granville) had raised the present discussion, for it afforded him an opportunity of explaining the course he had taken with regard to the Bill of 1873, and that before the House. On a former occasion, when he was not present, the noble Duke opposite (the Duke of Richmond) stated that he (Lord O'Hagan) had supported and voted for the Bill of 1873. That was an absolute mistake. That Bill, as their Lordships fully understood, was applicable to England only. It did not propose to include Ireland in any of its provisions; and he did not take part in the legislation of their Lordships upon it. He never advised that Bill; he never expressed approval of it or voted for it; nor, so far as he remembered, was he ever present when there was any discussion with reference to it. So far as his own country was concerned, he had always been of opinion that this House ought to remain the tribunal of Ultimate Appeal. That opinion was never concealed from any one with whom he had to deal on the subject. When the Bill of last year was introduced, he had a different state of things to consider. The Bill of 1873 applied to England only; but the Bill proposed by the noble and learned Lord on the Woolsack last Session applied to Ireland. Moreover, it was a different Bill from that of 1873. If the Act of 1873 had not been materially altered, it would have been impossible to maintain that the final Appellate Jurisdiction should remain with that House; and for the plain reason that, if there was to be only one appeal, it would have been wholly beyond the power of the House to dispose of the 400 or 500 cases which would necessarily have come before them. He had acted with perfect consistency through-

out, and it was only fair that that should be understood. It should, also, be understood that the adoption by their Lordships of the Bill of 1873 in no way precluded them from dealing, in a different way, with the essentially different measure of 1875. At that hour he would not go into the general question. As to the conduct of the Government, they were perfectly competent to defend themselves. It was notorious that they succumbed to an opinion which was irresistible. Right or wrong, he believed the Government had no alternative, and they could not be blamed for giving way to the feeling which had been developed in every district of the United Kingdom, and which they could neither ignore nor control. He did not attribute to his noble and learned Friend near him (Lord Selborne) any blameable "adroitness;" but he thought it would have been much better if a measure embracing all the Three Kingdoms had been introduced in the first instance. Their Lordships would then have stood in a more satisfactory position. He never for a moment imagined that the noble and learned Lord had anything but the purest and highest motives in bringing in his measure. But when his noble and learned Friend, in an after-dinner speech at a City banquet, spoke of the Government having "succumbed to a coterie," and having been "subdued by a clique," he used language which he (Lord O'Hagan) thought was not applicable to the situation at all. His noble and learned Friend should have remembered that the whole of the Irish Bar approved of the course which the Government had now taken: that the Solicitors of Ireland, represented by the Incorporated Society, had petitioned their Lordships against the application of the measure of 1873 to Ireland; and that, as regarded the Bench of Ireland, although if a Final Court of Appeal outside of that House were established for England, they thought that Court should hear appeals from the Three Kingdoms, they preferred that the existing Appellate Jurisdiction should not be interfered with. As to Scotland, the Lord Justice Clerk—who, he was sorry, was not now present—informed their Lordships last Session that the Scotch Bar was opposed to the measure of his noble and learned Friend: the Writers to the Signet had lately

presented a Petition in the strongest terms, imploring their Lordships not to abandon their jurisdiction: and the Bench of Scotland was equally opposed to the change. Surely all these adversaries of the measure were not to be flouted as mere cliques and coteries? It was a gross misuse of terms which should never have been applied to eminent persons and important bodies in England, Ireland, and Scotland, combining, with clear right and honest purpose, to champion the time-honoured jurisdiction of the House. The question was a great one, and ought to be settled without regard to Party considerations. All should unite in trying to constitute a good Court of Final Appeal, during the interval of the suspension of the Bill until the next Session. He was himself strongly of opinion that, though it was not advisable to maintain the House of Lords in its present form, and without such changes as he had indicated at large in a former debate, as an Appellate tribunal, they might easily, by adopting such changes, approved alike by ancient tradition and modern authority, preserve to the House its constitutional Prerogative, and provide a perfectly efficient and satisfactory Court.

THE LORD CHANCELLOR: The noble and learned Lord who has just addressed you has referred to the banquet at Fishmongers' Hall, at which the speakers were in a more favourable position than your Lordships—for they had dined. Notwithstanding, however, the position in which we find ourselves, I think your Lordships will not deem it unnatural that I should be unwilling to allow this conversation to close without making a few observations. I only regret that the noble Earl (Earl Granville) after introducing this subject in a speech of great interest, and having made some criticisms upon myself which he could hardly think would be altogether unnoticed, should have succumbed to the emergency of the situation, and having quarrelled with the Government for withdrawing their former Bill, should have taken what seems to me the still more unusual course of withdrawing himself. I must accept the conversation that has occurred as being in one respect highly complimentary to the present Bill—because I have not heard an observation from the beginning of the evening to the present moment in which has been ex-

Lord O'Hagan

pressed disapproval of any provision contained in the measure. I hail that as, at all events, an expression of opinion by this House that, whatever may have been said as to the withdrawal of the former Bill, the measure which has replaced it meets with general assent. I listened with great interest to the speech of the noble Earl (Earl Granville); but the interest did not arise from the charm of novelty, because I happened to have heard just the same speech from him last night. It was the speech on the Agricultural Holdings Bill adapted to the Judicature Bill. My interest in the speech was derived from a different source. It has been a fancy of mine—looking as I do with considerable wonder and admiration at the productions of the Press of this country—to conjecture from what quarters the various extremely clever and pointed articles constantly found in the Press may be supposed to come. They are anonymous, but now and then we are enabled to trace the authors. I read the speech of the noble Marquess the Leader of the Opposition in the House of Commons at Fishmongers' Hall, and when I had done so I said—"Why, this is the article I read a few days ago in the columns of a very interesting weekly paper, commenting upon the course taken by the Government." "Of course," I said, "it is impossible that the Leader of Her Majesty's Opposition in the House of Commons could have derived his speech from an article in a newspaper, and it must be that he was the author of the article. This is one of the cases I have always been anxious to find out." But fancy my disappointment when, on hearing the speech delivered by the noble Earl (Earl Granville) last night, I was surprised to find the article again. I asked myself—"Is this the author of the article, or is it the case that this is an article composed after the fashion of some modern French novels, where the authors write in couples and both are responsible for the ideas conveyed in them?" I am, however, ready to accept the view that this is so good a criticism that it cannot be pronounced too often. We have had it last night, again to-night, and I dare say before the Session is over we shall have it again. But, in the prospect of that repetition, it is desirable to have it as accurate as pos-

sible, and I will, therefore, correct one mistake it contained. The noble Earl said—

"Look at the Land Transfer Bill. If there has been a cardinal principle in the measure for the transfer of land, it is that it should be compulsory; but the Government abandons that principle altogether."

I should like to know where my noble Friend finds any measure on the subject which has either become law, or has reached the stage at which it was on the point of becoming law, and which contains the principle of compulsion. We were in Committee on the Land Transfer Bill not long ago in this House, when my noble and learned Friend (Lord Selborne) advocated a proposal to make it compulsory in a most effective speech. I endeavoured to state my objections to the proposal; and, as well as I remember, the noble Earl (Earl Granville) did not favour us on that occasion with a single argument in favour of compulsion. I never heard of the principle until, in 1872, my noble and learned Friend introduced it into a measure which never proceeded even to a second reading. Following his example, and endeavouring to give effect to it, I, in the first instance, introduced it into the Bill of last year; but before the Bill left this House I found the arguments against it so strong, and the legitimate opposition to it throughout the country so great, that I was obliged to introduce into the measure a qualification limiting the compulsory registration of titles to properties of the value of over £200; and this, practically, was fatal to the principle of compulsion. Compulsion was not in the Bills of 1859; it was not in Lord Westbury's Act; it was not recommended by the Royal Commission of 1868. But the noble Earl (Earl Grey)—who has also withdrawn—demurs entirely to the assertion of my noble Friend (the Marquess of Salisbury), that the withdrawal of the Judicature Bill was in pursuance of the precedent which the noble Marquess mentioned. I endeavoured to appreciate the distinction between the two cases, but the only difference I can find is that in the first instance the noble Earl (Earl Grey) himself advised the withdrawal of the measure, and in the second he did not. I agree that this may probably make a great difference in the mind of the noble Earl, but that is all the differ-

ence I am able to discover. Both the noble Earls have given us comfortable assurance that if the Government had gone on with the former Bill and supported it with all their power in both Houses the measure would have been passed. It is very difficult to test what would have been done if something had occurred which did not occur, and I should be the last person to speculate upon what the result of the division might have been. But I cannot help referring to something which occurred before my eyes, and of which your Lordships were witnesses, in connection with the former Bill. Notice had been given of an Amendment for the Committee on the Bill in connection with the appeal to the Supreme Tribunal. There was a considerable attendance here to discuss that question, but by mere accident the discussion and division upon the Amendment were postponed. Well, I looked at the assemblage on the side of the House which was understood to be prepared to support the Bill in its original form. I have a most lively recollection of the appearance it presented. Where were the hosts and battalions which we were assured were at the beck and call of my noble Friend (Lord Granville) to support the Bill of the Government? They certainly did not make their appearance in this House. I cannot charge my memory with having seen upon those benches behind the front seats 10 men upon whose support, in the way of voting for the Bill, the Government could have relied. I must now say a word with regard to the withdrawal of the Bill. The noble Earl (Earl Grey) said it was quite contrary to precedent and rule to withdraw a Bill which was fixed for a particular day without giving Notice of its withdrawal beforehand. Now, I should be the last person to maintain any point which was not entirely in accordance with the Orders of this House; and I quite agree that it is not according to the practice of this House to withdraw a Bill without Notice. But I must remind your Lordships of what occurred on the occasion in question. I came down to the House—I believe it was on a Monday—to state the course which the Government meant to pursue. The Bill had been fixed for a later day in the week—at all events, it was to come on some days afterwards; and I made my statement beforehand simply in order

that your Lordships might be aware of what was going to be done. Well, several speeches were made, and my statement was perfectly appreciated—whether it was approved is another matter—on all sides of the House. I recollect that the Clerk at the Table came to me and said—“Do you move the withdrawal of the Bill?” It was open to any Member to object on the point of form. I paused and looked around to see if any objection was to be made—but there was none; and the Question having been put, it was taken as a case of withdrawal, no person objecting. If an objection to such a course is made, by even one person, it is fatal; but if no objection is made, the assent of the House is taken for granted. That is the whole history of the proceeding, which has been described as something like treachery on the part of the Government, with regard to the withdrawal of the Bill. There are only one or two other points to which I wish to refer. The late Lord Chancellor of Ireland (Lord O’Hagan) misunderstood entirely the Lord President if he thought reference was made to any vote given by him in connection with the measure of 1873. The whole intention of the noble Duke was to observe that the Government of that time were the authors of the Bill. Nothing more was meant than that. With regard to the Memorial which has been spoken of once or twice, I may say I would much rather that it had not been addressed to me, because it is inconvenient for Memorials to be addressed to Members of the Government. I could do nothing with it but keep it, which I may say I have done to this day. What I have more particularly to say, however, is that I do not think the general feeling of the Bar is for the repeal of the Judicature Act. So far as my observation has gone, I think the Bar are entirely in favour of its continuance, and I must say every communication I have had on the present measure approves it. Of the Committee—or, as they style themselves, the League—for the maintenance of the Appellate Jurisdiction of this House, no person has greater cause to speak with asperity than myself; because undoubtedly the whole action of that body has been directed to defeating the measure for which I was responsible. Well, I am bound to say I have never looked with

the slightest degree of asperity upon that Committee, and I have never joined in the observations made that they have done anything at all open to reproach. There have been instances in which similar organizations have been directed to good objects—witness the Corn Law League, and the League for the Repeal of the Paper and Insurance Duty. I do not speak of organizations of this kind with sympathy, because they are not to my taste, and I think Members of the Legislature have higher functions to perform than joining them. But they are perfectly legal and ought not to be condemned as improper. These are all the observations I have to trouble your Lordships with. I regret they have extended to such length, but I thought it would be unbecoming in me under the circumstances not to make them.

LORD WAVENEY said, he would not enter into a criticism of the opinions of those noble Lords who had that evening spoken against the Bill; but he fully appreciated the regret which the noble and learned Lord on the Woolsack must experience in witnessing the virtual destruction of the magnificent system of jurisprudence inaugurated by the Act of 1873—which seemed to him (Lord Waveney) elaborated with so much care and so great perfection. As to the present Bill, he was prepared to support the second reading.

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House, on Friday next.

House adjourned at Nine o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 16th April, 1875.

MINUTES.]—NEW WRIT ISSUED—For Killenny, v. Sir John Gray, knight, deceased.

WAYS AND MEANS—considered in Committee—Resolutions [April 15] reported—Consolidated Fund (£15,000,000)*.

PUBLIC BILLS—Resolution in Committee—Ordered—First Reading—Interments in Churchyards* [125].

Ordered—First Reading—Local Authorities Loans* [123]: Bishops Resignation Act Perpetuation* [124].

Second Reading—Municipal Corporations (Ireland) [41], debate adjourned.

ARMY—THE MERTHYR VOLUNTEER RIFLES.—QUESTION.

MR. MACDONALD asked the Secretary of State for War, Whether it be true that the locks have all been taken off the rifles which are in the armoury for the use of the Volunteers of the Merthyr district, county Glamorgan, South Wales; whether they have been removed out of the county; and, whether he will state by whose orders the locks were removed from the rifles and carried away, if it has been done?

MR. GATHORNE HARDY: Sir, the General Officer commanding the Western District, acting on his own discretion, but according to the precedent authorized in 1873 by the War Department, ordered the locks to be removed from the rifles of the Merthyr and Dowlais Volunteers, and to be placed in security at a certain distance from the arms.

MR. MACDONALD: I beg to give Notice that on Tuesday next I will ask the Secretary of State for War on whose representations he gave the orders—

MR. GATHORNE HARDY: I gave no orders, Sir; the General commanding the district gave the orders on his own responsibility.

THE ARCTIC EXPEDITION—APPOINTMENT OF CHAPLAINS.—QUESTION.

MR. MARK STEWART asked the First Lord of the Admiralty, If he will reconsider the arrangements for the Arctic voyage of discovery, with a view of appointing a chaplain to accompany the expedition?

MR. HUNT: Sir, I stated to the House, a few days ago, the very great difficulty there would be in providing a chaplain for the Arctic Expedition, in consequence of the want of accommodation. Since then I have very carefully reconsidered the matter, and I found that no such appointment could be made without displacing one of the officers from the establishment who has been already approved. Considering that that establishment was settled by a Committee of very experienced Arctic officers, I have taken upon myself great responsibility in disturbing the arrangement. After much deliberation, however, I have determined to cancel the appointment of two assistant paymasters who were going as acting paymasters, and to

appoint a chaplain to each ship in their place. I will make the best arrangements I can for the fulfilment of the very important duties which were to have been discharged by the officers who are now displaced.

METROPOLIS — CAB LAW.—QUESTION.

MR. HOPWOOD asked the Secretary of State for the Home Department, Whether his attention has been called to a case recently before Mr. Arnold, the police magistrate, wherein it appeared that though the hirer of a cab, in case of dispute, can by 16 and 17 Vic. c. 33, s. 18, require the driver to drive to the nearest police court, if sitting, when the complaint may be determined by the magistrate without summons, or if no police court be open, then to the nearest police station, where the complaint shall be entered and tried by the magistrate at his next sitting, yet that, if the hirer do not wish to go to a station, the driver cannot complain, nor the police detain him, though he refuse to pay any fare or give his name and address; and whether, if such be the state of the law, he will take it into his consideration with a view to amendment?

MR. ASSHETON CROSS, in reply, said, he believed the hon. Member had stated the law of the case to which he referred correctly; but he had not informed the House that there were provisions which gave strong powers to the drivers of cabs to summon, and, if necessary, to issue a warrant, against any persons who had not paid their fares. Of course, it was a question whether the law as it stood was sufficient for the protection of drivers; but that was a point which should receive consideration.

THE ECCLESIASTICAL COMMISSIONERS—LICHFIELD CATHEDRAL.

QUESTION.

MR. A. BASS asked the hon. Member for West Surrey, Whether the Ecclesiastical Commissioners have, in pursuance of the power given them by the Ecclesiastical Commission Act of 1868, entered into a provisional agreement with the Dean and Chapter of Lichfield Cathedral for the transfer to the Commissioners of the corporate property of such Dean and Chapter; whether the said Dean and Chapter are prevented

from carrying such agreement into effect by their Visitor, the "Bishop of Lichfield," refusing his assent thereto; and, whether any reason which, in the opinion of the Ecclesiastical Commissioners, constitutes a legitimate ground for such refusal has been assigned by the Visitor, or is it understood by the Commissioners to exist; and, if so, what is the nature of the same?

MR. CUBITT, in reply, said, the facts were correct as stated by the hon. Member in his two first Questions. The right rev. Prelate (the Bishop of Lichfield), however, had given Notice in the other House of Parliament that he would move for Copies of the Correspondence on the subject, and that Correspondence, when presented, would give all the information which the hon. Member asked for in his third Question in a more complete form than the limits of an answer would allow.

IRELAND—THE ISLANDS OF BOFFIN. QUESTION.

CAPTAIN NOLAN asked the Chief Secretary for Ireland, If any steps have been taken to re-transfer for fiscal purposes the Islands of Boffin from the county of Galway to that of Mayo, as suggested by a letter of the late Chief Secretary for Ireland, dated 10th July 1873; and, if not, can any proceedings be instituted by the Lord Lieutenant in Council to remedy the difficulties which the original transfer of the Islands has occasioned in the repair of the roads of these places?

SIR MICHAEL HICKS-BEACH, in reply, said, that in October, 1873, the question whether these islands could be re-transferred to the County of Mayo for fiscal purposes only was referred to the late Law Officers of the Crown, and they were of opinion that this could not be done. Further inquiries had been made, but he feared no proceedings could be instituted by the Lord Lieutenant in Council to remedy the difficulties.

THE SURVEYOR TO THE OFFICE OF WORKS.—QUESTION.

MR. DILLWYN asked the First Commissioner of Works, Whether the Surveyor to the Office of Works, in addition to his salary, is allowed a com-

Mr. Hunt

mission on all purchases of land made for the Department; whether he is also allowed to take private business; and, whether, if he transfers any of his work for the Department to his partner, that gentleman is paid for doing it?

LORD HENRY LENNOX: Sir, the position and emoluments of the Surveyor of Works were laid down and determined in a Treasury Letter dated March 18, 1869. The gentleman in question attends at the office once a-week, and whenever the First Commissioner requires his attendance, and he receives a commission on whatever purchase of land he may make for the Government. Being a member of a private firm, it is of course understood he takes part in the business of that firm. With regard to the last part of the Question of the hon. Gentleman, whether he transfers work for the Department to his partner, who is paid for it, I have to say that I believe such a thing is impossible, unless it is done with the knowledge of the First Commissioner and the sanction of the Treasury.

THE METROPOLITAN GAS COMPANIES.—QUESTION.

SIR CHARLES W. DILKE asked the President of the Local Government Board, When the annual Accounts of the Metropolitan Gas Companies will be presented?

SIR CHARLES ADDERLEY: Sir, when the gas companies' accounts have been received, they shall at once be presented. The Metropolitan Gas Act, 1860, does not require those companies that are still under its provisions to send in their accounts until two months after their general meeting. It is not probable, therefore, that all these accounts will be received at the Board of Trade until the middle of June.

ARMY—DEPARTMENTAL COMMITTEE ON RECRUITING, &c.

QUESTION.

SIR HENRY HAVELOCK, asked the Secretary of State for War, Whether he would (excluding the parts that are Departmental and therefore confidential) lay upon the Table of the House the Statistical Tables and Numerical Returns attached to the Report of the late Committee on Recruiting, so as to enable the valuable information con-

tained therein to be considered by honourable Members previously to Tuesday, the 20th instant, on which day an important Motion regarding the recruiting and efficiency of the Army will be brought forward for consideration?

MR. GATHORNE HARDY, in reply, said, that he had that afternoon received the Appendices to the Report of the late Committee on Recruiting, and had gone through them as rapidly as he could. He had given directions that the tables to which the hon. and gallant Baronet had referred should be printed and given as quickly as possible to the House; but he could not state that they would be ready in time for the debate on the subject.

POST OFFICE SAVINGS BANKS.

QUESTION.

MR. GOLDSMID asked the Postmaster General, as he is unable to lay the Papers upon the Table, If he will state to the House what is the substance of the Report he has received on the Savings Bank Department; what steps he proposes to take in consequence of that Report; and, whether, the suspension of promotion inflicted by him as a punishment on the Department has been removed?

LORD JOHN MANNERS, in reply, said, that the substance of the Report of the Committee on this subject was contained in 101 paragraphs, extending over 12 closely-printed pages, and therefore it would be impossible, in answer to a Question, to give the substance of that Report to the House. One of the principle recommendations was, that an inquiry should be made into the practicability of simplifying the transaction of business in the Department, with a view to preventing the large additional cost with respect to the staff now thought necessary. That inquiry was now in progress, and other recommendations of the Committee were also under consideration. The Report was presented on the 18th of March, and on the following day the suspension of promotion was removed.

MERCHANT SHIPPING ACT, 1854—BOARD OF TRADE CERTIFICATES.

QUESTION.

COLONEL BERESFORD asked the President of the Board of Trade, Why,

under the Merchant Shipping Act of 1854, those naval officers who had passed their examination for Lieutenant and Navy Lieutenant should only be entitled to a certificate of service as Master Mariner, which certificate is exceedingly disadvantageous to them when in merchant employ, as it prevents them commanding emigrant ships, and in many cases keeps them out of valuable employment; and, whether there would be any objection to granting such officers who have passed the requisite examination to qualify themselves for the higher position in Her Majesty's Navy a certificate of competency as Master Mariner on producing such certificate of examination?

SIR CHARLES ADDERLEY, in reply, said, certificates of service were given as stated in the Question, under the 135th section of the Merchant Shipping Act, of 1854. Examinations for certificates of competency under the 134th section were examinations specially directed to the requirements of the Merchant Service, and it appeared to him to be necessary that naval officers who wished for certificates of that description should pass that examination.

ARMY—MILITARY DRILL IN SCHOOLS. QUESTION.

MR. O'BYRNE asked the Secretary of State for War, If it is his intention to recommend the adoption of military drill as a compulsory feature of education in all schools; and if so, whether, with the view of attaching soldiers more permanently to the service by improving their professional prospects, it is intended to reserve the lucrative appointment of Drill Instructor for non-commissioned officers of good character on discharge?

MR. GATHORNE HARDY, in reply, said, that military drill in schools would, no doubt, be a very useful thing to be adopted as a part of public education. He would consult his noble Friend the Lord President of the Council on the subject, because, as teachers would be necessary, they would not be paid by the War Office, but the Education Department. That Department, moreover, being responsible for their payment, it naturally followed would select them.

Colonel Beresford

PARLIAMENT — PUBLIC BUSINESS — DR. KENEALY AND "THE QUEEN v. CASTRO.—QUESTION.

COLONEL LOYD LINDSAY asked the hon. Member for Stoke-upon-Trent, To name a day for proceeding with the Notice of Motion which stands in his name, but for which no day has been fixed, "to call attention to the Government prosecution of 'the Queen v. Castro' and to the conduct of the trial at bar?"

DR. KENEALY: Sir, after the language addressed to me last night by the hon. and gallant Member, I will not deign to answer any Question put to me by him.

MR. MACDONALD: Then, Sir, I beg to give Notice that on Monday next I will repeat the Question of the hon. and gallant Gentleman. ["Go on!" "Do it now!"] Then, Sir, if I am in Order, I will put the Question now.

MR. SPEAKER said, the hon. Member would be in Order in putting his Question.

MR. MACDONALD: As the Forms of the House allow me, Sir, I will ask him now to name a day for proceeding with the Notice to call attention to the Government prosecution of the Queen v. Castro, and to the conduct of the trial at bar.

DR. KENEALY: Sir, I shall bring on the Motion at the time when it seems to me most likely to advance the liberation of Sir Roger Tichborne, and not before.

COLONEL LOYD-LINDSAY: Sir, I beg to give Notice that, as the hon. Member for Stoke has declined to name a day, I shall on Monday move that his Notice be expunged from the Notice Book.

ARMY—NEW BARRACKS AT GALWAY. QUESTION.

MR. MORRIS asked the Secretary of State for War, When it is likely the building of the new Barracks at Galway will be commenced, which, in reply to a similar Question put on the 24th March 1874, he stated would be commenced about the 1st June, 1874?

MR. GATHORNE HARDY, in reply, said, that tenders were received for these barracks last July, instead of June, as he expected, but being excessively high

as compared with careful estimates were declined. It was then determined to reconsider the plans with a view to economy. New plans had been prepared and were now with the proper authorities in Ireland for report as to their suiting the site which was available for the barracks. He could not, therefore, name a time for the commencement of the building.

EDUCATION DEPARTMENT — INEFFICIENT PRIVATE SCHOOLS.

QUESTION.

MR. NORWOOD asked the Vice President of the Council, What are the steps, if any, which the Government intend taking to give effect to the suggestions made by a deputation from several large towns, introduced to him in January last, with respect to the obstacles presented by inefficient private schools to the enforcing of attendance at Board Schools?

VISCOUNT SANDON: Sir, this subject is a large and a difficult one, and has for some time engaged the attention of the Government. These private adventure schools—that is, schools frequented by the same classes as attend the public elementary schools, but kept by private individuals for their own profit and receiving no public money—are numerous, and are said to be increasing in towns where direct compulsion is in force. Though some are held to be fairly good, many are reported to be very bad as respects teaching, and to be wretched and unhealthy in their accommodation for the children. The question was well brought before us some two or three months ago by an influential and able deputation of leading members of school boards, who stated that these schools were more and more used as a means of evading the operations of the compulsory bye-laws, as they are not open to inspection and need not keep any register of attendance. We have been asked by means of new legislation to secure the regular inspection of all these private schools, and to treat attendance at an uncertified private adventure school as absence from school and therefore as a punishable offence. The House will at once see from this that the subject is a very serious one, and I am bound to say that many authorities on education matters on school boards and elsewhere

consider that premature interference with these schools and additional interference with the choice and school by a parent would largely increase the difficulties of carrying out the bye-laws for compulsory school attendance. Anyhow, before any decision is adopted by Government, either in favour of or against legislative dealing with private adventure schools, we are of opinion that most careful inquiries must be made respecting the matter in all parts of the country, and we are taking and shall take all necessary steps to inform ourselves thoroughly respecting it. But we do not consider that during this Session we shall be in a position to state what course we think it will be desirable to adopt.

PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.

QUESTION.

MR. DISRAELI: Sir, it may be for the convenience of the House that I should state the course of Business proposed for next week and the week after. We propose on Monday next to take the Artizans Dwellings Bill. On Thursday, the 22nd, we propose to take the Peace Preservation Bill, and continue it till we have concluded our labours on it, and on Thursday, the 29th, we propose to consider the Budget Resolutions. The Friendly Societies Bill will be proceeded with the same night, if an opportunity presents itself.

LOANS TO FOREIGN STATES COMMITTEE.—BREACH OF PRIVILEGE.

Order for the attendance of Mr. Goodlake and Mr. Hales, read.

MR. CHARLES LEWIS: Sir, I rise in accordance with the usual practice of this House to move that Mr. Goodlake be called in; and I trust that I may look for the indulgence of the House for a very few minutes. With reference to the part which I have taken on this question, and especially to endeavour to justify myself in the eyes of hon. and right hon. Members who were not present on previous occasions when this matter has been discussed, I wish to recall the recollection of the House to the fact that on the 9th April there appeared in *The Times* and *The Daily News* a letter signed "Victor M. Herran," which was dated the 7th of April, and was addressed

to the right hon. Gentleman the Chairman of the Foreign Loans Committee. That letter was, in no respect, verified or identified as having been written by M. Herran; and it was full of libels of the most serious character against a Gentleman who had been examined on oath before the Committee, and who has the distinction of enjoying a seat in this House. It is only fair to the House to say that this Gentleman had been a perfect stranger to me. I had no personal acquaintance with him, and even that ordinary acquaintance which one Member has with another was very restricted indeed; but when I read the letter knowing that the very nature of the inquiry would ensure its publicity, I thought it was most unfair that, in the course of an inquiry affecting great public interests and a large number of people, a letter should be communicated to the public Press which would be read, not only by the individuals who were interested in the question, but also by a far wider range of persons. I felt oppressed by the reflection that libels of the most severe character upon a Member of this House, contained in an unverified document, such as it is, would not only tend very much to injure the position—I will not say the character—of the hon. Member for Gravesend, but would also tend very much to discredit the proceedings of this House, and of the Select Committee in the course of whose proceedings the letter was published. What I ventured to do I did without conference with Her Majesty's Government. It was, perhaps, a mistake; but I felt I should be better justified, in the position I might take as an individual and an independent Member, if I did not in any way mix the Government up in the matter. Accordingly, being advised that the letter was of a peculiar description, and its results were likely to be injurious, not only to the hon. Member for Gravesend, but also to the House and the Committee themselves, I ventured to take the course which I did, of calling the attention of the House to the breach of Privilege which had undoubtedly been committed. But, Sir, having taken that course, and the House having unanimously resolved that a breach of Privilege had been committed, and having subsequently, by considerable and substantial majorities, resolved that the printers of *The Times*

and *The Daily News* should attend at the Bar of this House this evening, it seems to me, although I do not, at the present moment, withdraw the Motion which I think it my duty to make, I cannot, at all events, do a better thing under the circumstances than to promise, as no doubt the House will hear the best arguments from the right hon. Gentleman for adopting the Amendment which he has suggested, having, I think, performed my duty by laying this Motion formally before the House, to leave the question in the hands of the right hon. Gentleman to whom it more properly belongs. I will only say this—that while the House will ever, under the guidance of its Leaders, be disposed to protect its privileges, it will always be disposed also to protect the liberty of the Press, and do strict justice to hon. Members who, by chance and accident, have their characters improperly attacked. I now beg leave to leave the matter in the hands of the House by moving, in conclusion, that Mr. Francis Goodlake be called in.

Motion made, and Question proposed,
“That Mr. Francis Goodlake, the printer of ‘The Times’ newspaper, be called in.”—(*Mr. Charles Lewis.*)

MR. DISRAELI: Sir, I am going to move an Amendment to the Motion of the hon. and learned Member for Londonderry. The House is aware of the origin of the circumstances under which the matter is brought under their consideration. It appears that a Committee was appointed to consider the manner in which certain loans had been raised by Foreign States in this country, and that Committee, when it met, thought fit—and I have no doubt showed a wise and conscientious discretion in coming to that resolution—to avail themselves of a modern privilege of the Committees of the House of Commons, and take evidence on oath upon the important and delicate affairs they were investigating. It appears that a Member of this House was summoned to give his evidence, of course upon oath. Shortly afterwards a letter arrived by a foreign post, addressed to the Chairman of the Committee, contradicting the evidence given by the Member of this House, and imputing to him conduct most discreditable and infamous. What occurred in the Committee is, of course, what the House

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would like accurately to ascertain; and under ordinary circumstances, so far as my knowledge of the practice of Committees of this House can guide me, the course would be this—If under such circumstances the Chairman received a letter by post from the Continent, and addressed to him by a person of whom he had no knowledge, he would hardly think it evidence; if he thought it trivial, he could, on his own responsibility, put it into his waste-paper basket; if he thought it weighty and important, he would order the room to be cleared; and then he would take the opinion of his Colleagues upon the merits of the communication, and, if they followed the course which, generally speaking, would be considered a wise one, they would come to a resolution that the letter should not be published. I cannot pretend to inform the House what was the course taken by the Committee; but apparently it was not the course which I have indicated to the House, and which, so far as my experience would guide me, is the usual course, for the letter appeared in the report of the proceedings of the Committee which had been published for some days without any objection being taken. It was said the other night that this letter, though published in the proceedings of the Committee, formed no part of the evidence before the Committee, because the Committee had come to a resolution to take evidence on oath, and of course this—not anonymous letter, but a letter from a stranger in a foreign country, having arrived by post, was not evidence on oath. I really cannot pretend to presume to offer an opinion on such a point—I will not call it a quibble, because many Gentlemen of the long robe might take a different view of its importance; but the vast majority of the House, who, like myself, must be guided on the subject by such share of common sense as they have, would not, in considering a question like the present, enter into a consideration of so technical a point. Whatever may be the case, this letter appeared and was published in the proceedings of this Committee. It is not at all wonderful that either the hon. Gentleman whose conduct is impugned, or his Friends, or any Gentleman influenced by a sense of what is due to the House and by what is for the general interest of the House in which he has a share, should have felt, as the hon. and learned

Member for Londonderry did, that something should be done to vindicate the character of the individual Member, and give him that opportunity of vindicating his honour and character which we all desire he should have. Having arrived at that resolution, they would, and they did, naturally avail themselves of a Privilege of the House which cannot be impugned, and which the highest authority has pronounced to be violated in the present instance; and, though it is one that has been fortunately in desuetude, still it is not an obsolete one, and I must remind the House there are many which are seldom had recourse to, which are often referred to in debate and described as obsolete, but which the House has steadily and studiously refrained from abolishing, in order that they may on occasions guard the House and its Members from abuse. That I am sure the House will take into its consideration. Accordingly, last Tuesday the hon. and learned Member for Londonderry brought the question before the House as a breach of Privilege, which it cannot be said it is not. I had occasion to address the House after the hon. and learned Gentleman, and being myself very adverse to having recourse to this Privilege, except it is unavoidable, I indicated to the House, in observations I made with little preparation, as the matter had come suddenly upon us, a course which I thought would save us from the painful one of asserting this ancient Privilege, and that was that some Member of the Committee, or its most important Member, should place the matter clearly before the House, without at all entering into the merits of the case which was before the Committee. That suggestion was received by the House with favour, but it was not productive of success in the quarter to which it was addressed, and we were informed subsequently in the debate by the noble Lord the Leader of the Opposition, that the Chairman of the Committee declined to assist the House in the manner I had suggested because it was a Rule of the House that transactions of a Committee should not be discussed while it was sitting upstairs. That is an excellent rule as a general rule, and I trust it will always be observed. It, however, appeared to me on Tuesday night that it would not have been difficult for the Chairman or any

Member of the Committee, without in any way introducing the matters then before the Committee, to give the House, in a few words, clearly expressed and courteously received, information which might save it from taking the course it was forced to take. It is under these circumstances that the hon. and learned Member for Londonderry proposes his Motion that the printers of these newspapers should be summoned before the House. It was said on Tuesday night by the right hon. Gentleman the Member for Liskeard (Mr. Horsman), a high authority in this House, especially on the subject of procedure, though he did not act on his own suggestion, that we should have met this matter by the Previous Question.

MR. HORSMAN: I beg pardon. What I said was that I expected some of the opponents of the Motion of the hon. and learned Member for Londonderry would have moved it. I did not say that I should have done so or that I should support it.

MR. DISRAELI: I, too, beg pardon; there was, at all events, a suggestion of the Previous Question. But I do not believe myself in a too liberal use of "the Previous Question." It is a convenient and valuable instrument, no doubt, on occasions; but if by carrying it we should indirectly deprive any Member of a privilege which he believes is necessary to the vindication of his character, we should not be justified in moving the Previous Question. We have now had some time to consider our position. After reflection, I have recurred again to those views and conclusions which I less formally expressed to the House on Tuesday, and I have explained the course which I would recommend the House to take in the Amendment which is on the Table. Admitting fully, as I do, and thinking it to be an admirable rule that no debate should be held in this House upon affairs which are being investigated by any Committee upstairs, I am still of opinion that there is a power in this House—and it is a most valuable and salutary power—which will direct the Committee upstairs to report to this House specially upon any point on which information is required by this House, and of that power I recommend the House now to avail itself. Therefore, I have proposed that—

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"It be referred to the Select Committee to report to the House whether such letter was produced and read before the said Committee and under what circumstances, and whether any copy of the said letter was communicated by or on behalf of the said Committee to the said newspapers or either of them."

I may be asked why I did not propose this Amendment on Tuesday. Well, there is an excellent reason why I did not propose it on Tuesday. It did not occur to me. I do not pretend for a moment to be an infallible Leader of this House. The duties I have to perform are difficult and delicate in regulating the Business of the House, and I do not pretend that I could discharge them, unless I was supported by the sympathy and indulgence of both sides of the House. Well, thinking over this question, it occurred to me that a recurrence to this power of the House of referring to a Committee on some specific point on which they desire information would prevent us from the necessity of following up the Motion of the hon. and learned Member for Londonderry, and would supply this House in a legitimate and unobjectionable manner with the information we desire, and which would, I believe, lead to a general conclusion of this business that will be satisfactory to the House, satisfactory even to the dignity of the Committee, and satisfactory to the hon. Member of the House who believes that by circumstances, which are to him perplexing, he has been assailed in a manner not warranted by our Parliamentary practice. The right hon. Gentleman concluded by moving the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it being stated in 'The Times' and 'Daily News' newspapers of the 9th instant, referred to in the Order of the House of the 13th instant, that a letter, professing to be written by M. Victor Herran, Honduras Minister in Paris, and addressed to the Right honourable Robert Lowe, Chairman of the Committee on Loans to Foreign States, was read and made part of the proceedings before the Select Committee on Loans to Foreign States on the 8th instant, it be referred to the said Committee to report to the House whether such letter was produced and read before the said Committee and under what circumstances, and whether any copy of the said letter was communicated by or on behalf of the said Committee to the said newspapers, or either of them,"—(*Mr. Disraeli*),

—instead thereof.

SIR WILLIAM HARCOURT: Sir, it is a somewhat singular but irregular Motion that the Leader of the House has submitted to our notice. It is an attempt with which, I take it for granted, we should all sympathize to extricate this House from what I may venture to call the somewhat undignified mess which has been the result of the combined action of the hon. and learned Member for Londonderry and the right hon. Gentleman at the head of Her Majesty's Government. Now, those distinguished personages do not always act together. We have sometimes seen them in collision; but the result of their combination is more serious and unfortunate for this House even than their antagonism. It was said of two great characters of antiquity that they were two bright stars whose conjunction was more fatal than their opposition, and I think that may be said of the two Members of this House who have brought us into this difficulty—they are the Cæsar and the Pompey of above and below the Ministerial Gangway. But, Sir, the hon. and learned Member for Londonderry told us a short time ago that it is the great merit of the Conservative Party that they act *en bloc*. Now an example that we have of their so acting occurred on Tuesday last. It, however, can hardly be said that they are acting *en bloc* to-day, because the hon. and learned Member, having succeeded to his heart's desire in bringing the printers of *The Times* and *The Daily News* to the doors of this House, and having proposed a Motion which he succeeded in carrying by the assistance of the First Minister of the Crown the other night, the First Minister now moves an Amendment on the joint Resolution which they carried, and therefore the *en bloc* system of the Conservative Party may be said to be in abeyance. Well, Sir, I myself am not an admirer of the *en bloc* system, and I am surprised that the hon. and learned Member, who is never wanting in the resources of the English vocabulary, should have found it necessary to define the fundamental principles of the great historical Party to which he belongs by resorting to a foreign tongue. If I had been in his place and been asked I should have used the good old Saxon English, and called it the block-headed party. A very distinguished authority has said that the reason why a dog wags his tail is because the tail

cannot wag the dog. ["Oh, oh!"] All rules have an exception, and I should be very sorry if I have said anything to give offence to hon. Members opposite. In our school days we have all read the story of an impatient and ambitious young man who thought he would like to conduct the chariot of the sun. It sometimes happens that fond parents indulge their children too much, and I cannot help thinking that the right hon. Gentleman on the Treasury bench has allowed Phaeton to drive the chariot, and that the consequences have been disastrous both to himself and those to whom the fortunes of the chariot of the State were confided. The hon. and learned Member for Londonderry told us in language upon which I cannot improve that he should not think of mixing himself up with Her Majesty's Government. Now, when an hon. Member belonging to a Party which acts *en bloc* is going to bring forward a Motion of Privilege in this House, I should have thought that he might at least have condescended to "mix himself up" with the Leader of the House in considering as to whether that was the proper course to take upon a question affecting the dignity of the House and the liberty of the Press. However, he obtained possession of the chariot for the day, and he will excuse me for saying that I think he rather made a mess of it. Now, let us see what is the situation we are in. On Tuesday last the hon. and learned Member for Londonderry came forward and made a Motion which he succeeded in carrying unanimously that the publication in *The Times* and *The Daily News* of the 9th of April instant of the proceedings and evidence taken before the Select Committee on Foreign Loans of the 8th instant was in each case a breach of Privilege. Now that Motion asserts distinctly, and the House has voted it, that what appeared in *The Times* and *The Daily News* is considered as part of the proceedings of the Committee. I have seen it stated, with surprise, elsewhere, that there was confusion, and that people thought it was not part of those proceedings; but the House was asked by the hon. and learned Member, and did vote that these transactions were part of those proceedings. That is absolutely essential to the Motion, because if it were not a part of those proceedings there was no breach of Privilege at all,

and the hon. and learned Member said this in introducing his Motion. He said *The Times* and *The Daily News* published—what?—the proceedings of the Committee on the previous day, and it was stated that Mr. Lowe had received a letter from a person in Paris which was read in English by a Member of the Committee. Therefore the hon. and learned Member knew, everybody knew, and the House of Commons knew that this was a letter read before the Committee, and that it was part of its proceedings. The hon. and learned Member for Londonderry proceeded—

“He had drawn the attention of the House to the fact that the proceedings of the Committee had been printed in *The Times* and *The Daily News*, and he would now read to the House that which was the point of the charge—namely, that, under cover of publishing an inchoate and incomplete account of the proceedings of the Committee, that document had been published.”

Therefore he said, and it was the basis of his case, that the publication was part of the proceedings of the Committee, and therefore he moved that the Papers which I hold in my hand should be read at the Table of the House, and he particularly asked that the beginning should be read—namely, that Mr. Lowe had received a letter in French from M. Herran, Honduras Minister in Paris, which was read to the Committee in English by Mr. Kirkman Hodgson. Therefore, as I said, everybody knew when that appeared on Tuesday that the letter was—professed to be and was—a part of the proceedings of the Committee, and thereupon he made the Motion to which I have referred, in which the House declared that that was a publication of the proceedings of the Committee. It is necessary that he should have done that, because the Resolution of 1837 which he had read was this—

“That according to the undoubted privilege of this House and for the due protection of the public interest, the evidence taken by any Select Committee of this House, and documents presented”—not only the evidence but the documents presented—“ought not to be published by any Member of such Committee, nor by any other person.”

Very well, that is the Resolution. He affirms that this letter was read as part of the proceedings of the Committee, and thereupon he asked the House to declare that this was a breach of Privilege, and the Leader of the House acquiesced in

the course of declaring that a publication of part of the proceedings was a breach of Privilege. But that is not all. The right hon. Gentleman has objected that we ought to have had some information from the Chairman of the Committee. Now, Sir, I am informed, and you will correct me if I am wrong, that a Notice was actually put on the Paper by the hon. and learned Member for Londonderry of his intention to ask the Chairman of the Committee a Question with reference to this very matter, and that you, Sir, caused that Question to be removed from the Paper on the ground of its irregularity. Well, the Speaker having declared that the Question ought to be removed from the Paper, the Prime Minister repeats a Question to the same effect, and expects to receive an answer; but the Chairman of the Committee could not answer it. He had received the ruling of the highest authority that it would be improper to answer the Question, and accordingly he did not. But, Sir, that is not the only authority on this matter. Though the mouth of the Chairman of the Committee was sealed, another Member of the Committee, who is also a Member of the Government, thought himself entitled, in consequence of the imputations that had been made, to get up. I allude to one of the most respected Members of the Government—the right hon. Gentleman the Judge Advocate General; and he said that this letter was tendered to the Committee in evidence, and I understood and still understand that, in common with the rest of the evidence, it was taken down by the reporters in the room. Therefore, Sir, the House had full knowledge at the time the Prime Minister supported the Motion that this was a breach of Privilege and that the printers should be called to the Bar, of the very facts which the right hon. Gentleman has stated to-day. Well, but on the very same day that this transaction was happening here, the hon. and learned Member for Londonderry was giving evidence in a room upstairs upon corrupt practices at elections; and the next morning there appeared in the papers—not in *The Times*, but in *The Daily News* and in *The Standard*—his evidence, in which he severely criticized the conduct of the Election Judges. He said that the decisions of the Judges are by no means satisfactory. That is

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reported in those papers, and why have we not had a Motion upon the subject? [Mr. CHARLES LEWIS: I beg the hon. and learned Gentleman's pardon. I never said anything of the sort.] Well, then, why does not the hon. and learned Gentleman, or the hon. Member for Cavan (Mr. Biggar), who seconded the Motion the other day, seek to bring the printer of *The Standard* to the Bar for publishing a garbled and false report of his evidence? I took down the words myself from the newspaper—"that the decisions of the Election Judges are by no means satisfactory." I do not complain of the hon. and learned Gentleman saying so, or of his entertaining that opinion if he does. If he did not use the words, I am sorry for having mentioned them; but I found them in the newspapers, and the remarkable part of it is, the Chairman of that Committee is also Chairman of the Foreign Loans Committee—my right hon. Friend the Member for the University of London (Mr. Lowe). Why does he not, in this case, make a Motion to call the printers of both these papers to the Bar for having published an incorrect and incomplete report of the evidence, as he did in the other? Well, Sir, that being the fact, and with a full knowledge of the case, we have voted that the publication here complained of was a publication of part of the proceedings of the Committee, and the right hon. Gentleman at the head of the Government comes down and says—"Let us now on Friday inquire whether that was a fact which on Tuesday we unanimously declared was a fact." On Tuesday we declared that the reading of the letter was a part of the proceedings of the Committee, and now the right hon. Gentleman proposes that the House should—I do not like to use so strong a word as stultify itself—but, at all events, commit itself to inquire whether that is true which we unanimously declared to be true on Tuesday last. A more Rhadamanthine proceeding I cannot conceive. *Castigatus auditque*. We have summoned the printers to the Bar, and now we are going to inquire whether there was any reason for summoning them at all. It is quite clear that if we refer this matter to the Committee, and the right hon. Gentleman gets the answer he wants—namely, that this letter was part of the proceedings of

the Committee, we must summon the printers to the Bar, because we have already declared that if this letter were part of the proceedings, the papers, in having published it, committed a breach of Privilege. I venture to press upon the House this consideration, and that what is proposed to-day is a mere postponement. But then the question is—a more serious one than that—is this a question of the printers at all? Was it ever meant to be a question of the printers at all? Does not this Resolution reveal clearly, and does not the speech of the right hon. Gentleman reveal more clearly still, that this is meant to be an attack upon the Committee on Foreign Loans, and upon its Chairman more especially? We had a faint indication the other day that not the printer, but a very different person, was intended to be affected. Sir, there is an old text about those who have dug a pit falling into it themselves. We heard a great deal not long ago about the necessity of supporting constituted authorities, and that if you want to impeach them you must do it directly and not indirectly. I venture to say that what is true of Her Majesty's Judges is not less true of Committees of this House. If Committees of this House have misconducted themselves, if Chairmen of Committees have acted improperly, they can be called to account by this House. But they ought to be called to account directly upon specific charges, upon intelligible questions. You may censure their conduct, and put an end to the Committee; but in these indirect methods, through printers and by suggestions, a course has been taken that ought not to be adopted, a proceeding, I venture to say, which will not tend to support the authority of Committees, and I venture to think that if Committees are so treated, you will not get Gentlemen to sit upon them. And what is this Committee? It does not wholly consist of my right hon. Friend the Member for the University of London. Upon it sit two of the most respected Members of Her Majesty's Government—the Judge Advocate General and the Under Secretary of State for Foreign Affairs, and as I remember, too, Her Majesty's Solicitor General. So that they have the advice of one of the Law Officers of the Crown as to their proceedings, and now you are asked, in this indirect method, practically to im-

peach their conduct on a matter which specifically affects a legal question. I cannot but think that if so grave a course as that be taken, it ought not to be taken upon an Amendment to the Motion to summon the printers to the Bar. If this is intended as a direct attack upon the Committee; if the Committee has been wrongly conducted; if you think, as a great many people think, that it ought never to have been appointed, why, then, do you not come forward and make a Motion saying so? You can stop its Report now—you can suspend its proceedings; but let it be done, if it ought to be done, in a straightforward and direct manner, and not by a proceeding of this kind. There are many people who think it would have been better if this Committee had never sat; but it is too late now to repudiate their position, even on the part of the Government, who have placed three of their own Members upon it. Therefore, I venture to say that to question the conduct of that Committee without bringing forward some direct charge by Motion is a course which ought not to be taken. Well, Sir, in that case, I venture to think that we ought to dispose of the question of the printers at once, and that we ought not to bring up this Order. If we have made an error in this case, why, we ought to correct it in a straightforward and manly way. Do not let us go through the farce of pretending that we do not know what we all know perfectly well, or that we want some information upon the subject whether this was or was not a part of the proceedings of the Committee. It was so stated. We have so voted unanimously. It was because we knew and said it was that the printers were summoned to the Bar. The right hon. Gentleman at the head of the Government said he doubted whether the letter was properly admitted. Indeed, he seems to think that it was improperly admitted, and he has practically censured the Committee by the remarks he has made. Now, what took place, according to the reports which are impeached? The hon. Member for Gravesend (Captain Pim) made an attack in his evidence upon an individual abroad. That individual claimed to be, and for all I know is, a foreign Minister. He says that his character was attacked by the hon. Member for Gravesend. He wrote

an answer to that attack, and the Committee, I suppose, from what appears, believed he was entitled to make an answer. He was a person who could not be summoned on account of his diplomatic character, and the Committee took the course with respect to him which they had already taken with respect to another foreigner who was actually in England, Senor Don Carlos Gutierrez. They received from him and his secretary written statements, without exception, as they afterwards received the letter of M. Herran, and that course was taken by a Committee of which Her Majesty's Solicitor General is a Member. That is the case that is brought before the House. I venture to think that what we might do to-day is either to bring those printers to the Bar or to dismiss them, for we heard from the hon. and learned Member for Londonderry a great deal about the liberty of the Press. Well, I will give him an opportunity of separating this question from that of the liberty of the Press. Let him deal, and let the right hon. Gentleman at the head of the Government deal, with their own Committee. That I can quite understand. But do not let us hang it on the peg of the printers, whom I do not desire to see hung up under the ban of this Resolution to be called up at some future time when we have settled our quarrels with our Committee. Let us get rid of the question of the printers to-day, and for that purpose, when the Motion of the hon. and learned Member has been, as no doubt it will be, negatived, and the Amendment of the right hon. Gentleman at the head of the Government becomes a substantive Motion, I shall then move in place of it these words—

"That it being inexpedient to proceed further in the matter of the Order made on Tuesday 13th April that Mr. Francis Goodlake, the printer of 'The Times' newspaper, and Mr. William King Hales, the printer of 'The Daily News' newspaper, do attend at the Bar of this House, the said Order be now read, and discharged."

MR. GATHORNE HARDY: Sir, the hon. and learned Gentleman the Member for the City of Oxford (Sir William Harcourt), with his usual and elaborate humour, has thought proper to cast considerable obloquy upon my right hon. Friend at the head of the Government and upon those who supported him upon

Sir William Harcourt

a recent occasion; but perhaps I may be allowed to say that my right hon. Friend, with the good humour which characterizes him, has acknowledged that the reason why he did not adopt the course he has taken to-day on the former occasion was, because it had not occurred to him to do so. Under these circumstances, therefore, a good deal of the humour of the hon. and learned Gentleman has been altogether thrown away, because my right hon. Friend admits that the course he has now taken is the better one. My right hon. Friend has further stated that he is most reluctant, even in cases of breach of Privilege, to bring up persons to the Bar of this House, who are themselves perfectly innocent, in order that they may be used as a means of our obtaining information with regard to the matter in dispute. The hon. and learned Gentleman has told us that he is very much afraid that we are going to keep these two gentlemen, the printers of the newspapers, in a perpetual state of suspense as to what we intend to do with them. Let me relieve the hon. and learned Gentleman's mind on the subject at once by stating that my right Friend, after communicating with the highest authority in this House, will be prepared, if this Resolution is carried, to follow it up immediately by a Motion that the Order requiring the appearance of these gentlemen at the Bar should be discharged. In taking that step we should be adopting a course which would relieve the Committee from all embarrassment in the matter. What was the state of things on Tuesday last? The reports in the newspapers were brought before us by the hon. and learned Member for Londonderry (Mr. Charles Lewis) as containing what professed to be an account of proceedings before the Committee on Foreign Loans, and I presume that they were as much reports of the proceedings of that Committee as were those of the Committee on the Corrupt Practices Act, which the hon. and learned Member for Londonderry has informed us are incorrect. We ought, therefore, to be informed whether the report in question is correct or incorrect, for no one has told us the state of the case. The right hon. Gentleman the Chairman of the Committee, I am quite sure, acting upon his views of what he deemed to be the principles and the Rules of the House, refused to

get up and explain the matter, and I quite agree with him that, looking at the matter from a strict and technical point of view, he was merely doing his duty in declining to explain the matter. But, seeing that this letter had appeared in the newspapers as part of the proceedings of the Committee, had the right hon. Gentleman risen in his place and said that, with the leave of the House, he would tell us how the letter had got into the newspapers, no objection would have been made to his doing so, the whole thing would have been over in five minutes, and we should not have been led into all these difficulties and trouble in which we now find ourselves. I quite agree with the hon. and learned Gentleman opposite (Sir William Harcourt) that we have got into difficulties in this matter, and for this reason—that if we call these gentlemen to the Bar of the House, and examine them, they will probably only refer us to somebody else, and then if we call those to whom they refer us before us they again will refer us to some other persons. Still, however, the course we have taken is the form that has always been adopted by the House, and it is the only way in which we can come eventually at the truth of these transactions. On behalf of myself and of my right hon. Friend I wish to state most distinctly that in bringing forward this Motion there is neither desire nor intention on our part to attack either the Committee or the right hon. Gentleman who presides over it. All we want is that the Committee shall give us some explanation as to how this letter reached the newspapers—whether by inadvertence or by any other means, and if it should turn out that the newspapers are not in fault, we should have no desire to inflict any vengeance upon them, and most certainly not upon their printers. ["Oh, oh!"] The hon. and learned Gentleman says that that statement is absurd; but what object can we have in punishing the newspaper printers for what is practically no concern of theirs? When this question was before us on a former occasion, the hon. and learned Gentleman says an explanation was given of these transactions before we voted a breach of Privilege; but he is mistaken on that point. No Member of the Committee rose before the vote on the point was taken, and the discussion

which took place was upon the Motion by which, in accordance with the ordinary practice on such occasions, the first Resolution was followed up. Assuming that the technical objection taken by the right hon. Gentleman the Chairman of the Committee to his offering any explanation of the circumstances under which this letter found its way into the newspapers is a good one—and I do not say that technically it is not—the course we have now adopted of enabling the Committee to report upon the matter is certainly free from all technical objection and is strictly in accordance with precedent, for Select Committees can, and often do, present successive Reports of their proceedings. Therefore, it is, in this instance, with the view of relieving the Committee from any embarrassment, and to set ourselves free from all difficulties, that my right hon. Friend has moved his Amendment to the Motion of the hon. and learned Member for Londonderry. I repeat on behalf of my right hon. Friend and of myself that this Motion is not intended to operate as a Vote of Censure on the Committee and upon its Chairman, but to afford an opportunity of explanation that will bring this matter to a satisfactory conclusion.

MR. GOLDSMID said, that the right hon. Gentleman at the head of the Government had stated to the House, with the candour that always marked his utterances, that he had been caught napping on Tuesday last. To his (Mr. Goldsmid's) mind it was a great pity that the right hon. Gentleman had not continued napping to-day, because the course that he asked the House to adopt that evening was contrary to all precedent, and would be most dangerous in its results. The hon. and learned Member for Londonderry had told the House that he had initiated these proceedings for the purpose of vindicating what he was pleased to call the honour of the hon. Member for Gravesend (Captain Pim); but he (Mr. Goldsmid) should like to know how the hon. Member for Gravesend could for a moment suppose that the course that had been taken by the hon. and learned Member for Londonderry was calculated to effect that object. If the hon. Member was ready to vindicate his honour, why did he not ask the Committee to permit him to be re-examined, in order that he might contradict the statements made by M.

Herran in the letter in question. Calling two printers of newspapers to the Bar of the House could not be said in any way to be a proceeding by which it would be possible to vindicate his honour. He denied that there was any precedent for the House requiring a Committee to report upon its own proceedings, without their having expressed a desire to do so; and, if the Motion were carried, it would, in his opinion, serve as a warning to all Members of the House not to consent to sit upon Committees the independence of whose action was thus interfered with. The whole action appeared to him to have been exceedingly irregular on the part of the hon. and learned Member opposite (Mr. Charles Lewis), who, if he had objected to the proceedings of the Committee being reported, should at once have brought the matter before the House, and not have waited until a letter attacking a Member of the House had been published as part of its proceedings. Numbers of letters which, under the circumstances of the case, necessarily affected the regulation of individuals, had been previously read without any notice being taken, and it was not until the letter of M. Herran was published that these proceedings had been initiated. The object for which "privilege" was established, was to maintain the rights of the people against the Crown, and not to vindicate the honour of any individual Member who might be attacked. In this case, if the hon. Member for Gravesend felt that his honour had been unjustly assailed, he could appeal to the legal tribunals of the country. The hon. and learned Member opposite said that the object which he had in view was not an overt object. He stated that he was well aware how this letter got into the papers; that reporters were by permission of the Committee reporting the evidence, and that among other things they took down this letter which was read to the Committee. Yet it was now proposed to ask whether the letter was or was not read. Surely the proper and consistent course, after what had taken place, would be to call the printers to the Bar and ask them how they obtained the letter. Probably they would say that they received them from the reporters, and then, so far as the printers were concerned, the matter would be at an end. If it should be then thought fit, it would be open to the right

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hon. Gentleman to suggest such further proceedings with regard to the Committee as he thought proper. That would be a better course than letting the printers remain outside with the probability of being censured for doing that which he (Mr. Goldsmid) thought that it was right and proper for them to do—namely, report correctly the proceedings of this Committee. The reason why the hon. and learned Member for Londonderry had, in the case which had just been mentioned by the hon. and learned Member for Oxford, not been reported correctly was because *The Standard* only gave a summary of the proceedings; and, therefore, it was far better that the evidence should be reported exactly as it was given. No Member of that House would desire for a moment to check the reporting of their proceedings. The country owed so much to the Press that they could not be justified in any proceedings having that object. He hoped, therefore, that the Amendment of the right hon. Gentleman would not be adopted; but that they would carry the original substantive Motion and have the pleasure of seeing the two gentlemen at the Bar of the House. They would after that be able to vindicate the honour of the House much better by attending to its proper business than by going further into this inquiry, which could only lead to futile results.

MR. REPTON said, that some years ago a question of Privilege arose which excited considerable public attention at the time. A Select Committee, of which he (Mr. Repton) was a Member, was appointed to ascertain what would be the best means of communication between London and Paris. In connection with the proceedings of that Committee, a paragraph appeared in *The Times* stating that some of its Members who had a personal interest in the success of a French railway—the Great Northern of France—were actuated by pecuniary motives. That paragraph being obnoxious to the Committee, its Chairman consulted the then Speaker, now Lord Eversley, as to what ought to be done in regard to it, and the Speaker strongly advised that the manager of the newspaper should be called before the Committee. That was done, Mr. Mowbray Morris appeared, and nothing could have been more frank and candid than his statement. He was asked—"From

whom did you receive this libellous paragraph?" and his answer was—"From *The Globe* of the preceding evening." The Chairman then went again to the Speaker, and the result was, that the manager of *The Globe* was summoned. In the most simple and natural manner that gentleman told the Committee, in answer to a similar question to the one put to Mr. Mowbray Morris—"A communication was put into our letter-box and we inserted it in our paper. If it has given pain to any member of the Committee I am very sorry for it." Under the circumstances, the Committee thought it the most dignified course to say nothing more about it. He had a notion that if the House summoned Mr. Goodlake and the printer of *The Daily News* to the Bar they would get very little more satisfaction. It would be an awkward position to be placed in, and he hoped they would succeed in avoiding it; and for that reason, it would be best to adopt the course proposed by the right hon. Gentleman at the head of the Government.

MR. OSBORNE MORGAN said, he was far from wishing to blame the hon. and learned Member for Londonderry for the course he had taken in this matter, as he had no doubt acted from plausible motives. He believed himself that the unfortunate predicament in which they found themselves was the almost necessary result of embarking upon such an inquiry as that which the Foreign Loans Committee had been appointed to carry out. When the Committee was proposed he entertained the gravest doubts as to the propriety of appointing it. Notwithstanding its great merits as a deliberative Assembly, he had every day become more and more convinced that the House of Commons was utterly unfit to undertake a judicial inquiry. And this was a judicial inquiry. ["Question!"]

MR. SPEAKER said, he must remind the hon. and learned Member that he could not enter upon the merits of the inquiry before the Select Committee. That question was not at present under the consideration of the House.

MR. OSBORNE MORGAN said, he was not going to do so; he had simply referred to the original Resolution for the purpose of pointing out that it was the real cause of the present difficulty. The House of Commons had done what

it had not done for 200 years—it had usurped the functions of a Court of Justice. In the course of the proceedings of the Committee a letter containing a gross libel upon a Member of the House was addressed to the Chairman. How would that letter have been treated if it had been addressed to a Judge or Vice Chancellor conducting a judicial inquiry? He had had the curiosity to ask a Judge the question that morning, and the answer he got was—"If I could not have committed the writer for contempt of Court, I should simply have thrown the letter into the fire, or if I had referred to it, it would only have been to express my strong disapproval of the writer's conduct in sending it to me." He looked upon the admission of that letter as a most improper proceeding. Well, copies of it got into two newspapers. Either the letter was or was not a part of the proceedings of the Committee; if not, the publication of it was in no way privileged, and the hon. Member for Gravesend had his remedy in an action at law, just as much as he would have had if the letter had been addressed to the Editor of *The Times* or the Editor of *The Daily News*. But if, on the other hand, the letter was really a part of the proceedings of the Committee, as they all believed it was, where was the offence in publishing it? He was perfectly well aware that, according to the Standing Order, technically, it was a breach of Privilege to publish the proceedings of the Committee. It was similarly a breach of Privilege to publish the evidence of the hon. Member for Gravesend, to which the letter was a reply, and it would be a breach of Privilege to publish the speeches delivered in the course of the present debate. But publicity was the life and soul of their being as an Assembly, and the consequence was the Standing Order was one which was "more honoured in the breach than the observance." Moreover, they could not permit the public to be present at their proceedings and refuse that permission to reporters, and, this being so, it was surely desirable to have correct reports of what passed? The report which had been complained of appeared to be a correct and not a garbled report, and he wanted, therefore, to know what offence had been committed by the newspapers. If no offence had been committed, what was the object of the pre-

sent Motion? There might, of course, be some ulterior object. Perhaps, as had been suggested by the hon. and learned Member for the City of Oxford, the disguised object of the Motion was to attack the Committee, and in particular the Chairman of the Committee. He did not say that such an attack was not within the power of the House; but he ventured to submit that it would be an exercise of power which would set a very dangerous precedent. A Committee was appointed, great powers were delegated to it, and in the middle of its proceedings a check was suddenly to be put upon its action. That was a course unworthy of this House, unworthy of any Government; and he, for one, would certainly oppose the Motion of the right hon. Gentleman.

MR. BENTINCK said, he greatly regretted that the debate had taken what was called a Party turn. During the many years he had sat in that House he had always disclaimed Party ties and obligations, and had always claimed the right to give, to the best of his ability, an independent vote. This right he claimed equally upon the present occasion, and if hon. Gentlemen opposite had put forward arguments which proved the correctness of their views, he would not have hesitated to give them his support; but it seemed to him the House somewhat misunderstood its position. The House had got into a difficulty by the step it took on a previous occasion. It had been admitted by the right hon. Gentleman at the head of the Government that the course then adopted was not the best which was open to them, and he accordingly proposed what he deemed to be a better plan. It seemed to him (Mr. Bentinck) that the course suggested by the right hon. Gentleman was the right one. The object of all this debate had been to find out whether the Privileges of the House had been violated, and if they had, by whom the wrong had been done. A proper and practicable means of attaining this object had now been proposed by the right hon. Gentlemen. No doubt a mistake had been committed in resolving that the printers of the two newspapers should be called to the Bar, but it was a mistake for which a majority of the House was responsible. With great deference to the hon. and learned Gentleman the Member for the City of Oxford, he ven-

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tured to think that the course recommended to them by the right hon. Gentleman was that which ought to be adopted in order to extricate themselves from the difficult position in which they were placed, and he hoped the Committee would at once proceed to put the House in possession of the information which it asked for. They ought to have from the Committee an official statement as to the line they had taken in the matter, and as to the grounds on which they justified the policy they had adopted, and then it would be for the House to decide what they thought proper to do under the circumstances. In voting for the Motion, he wished it to be understood that he was by no means attacking, or suggesting any impropriety of conduct on the part of the Committee, who, he believed, had acted to the best of their judgment under the circumstances. He, however, should support the Motion, as he considered that was the only mode of extrication. At the same time, he wished the Committee to continue their investigation, in the belief that the result of their labours would be valuable.

MR. DODSON said, that the right hon. Gentleman the Secretary of State for War had recommended them to vote for the Motion of the right hon. Gentleman the Member for Buckinghamshire, because, he said, it was one of two ways to dispose of the matter—namely, that they might either have those printers up at the Bar, or extract from the Committee the circumstances under which they had acted. He (Mr. Dodson) ventured to point out to the right hon. Gentleman the Secretary of State for War that there was a third way by which they might arrive at the truth, and that was by waiting patiently until the Committee had finished its business, and reported in the ordinary course. They were told the character of the hon. Gentleman the Member for Gravesend (Captain Pim) had been impugned and involved in this question; but it appeared to him (Mr. Dodson) that they had altogether lost sight of the position of the hon. Member for Gravesend. How would the position of the hon. Member be affected by calling the reporters or publishers to the bar of the House? In what way would that proceeding remove or alter the aspersions that had been cast upon him? If the Motion of the right hon. Gentleman the Member for Buckingham-

shire were carried, and the Committee called upon to give the information concerning the appearance of this letter in *The Times* and *The Daily News*, how would the position of the hon. Member for Gravesend be bettered? The fact was, if the hon. Member felt himself injured, he had two very plain courses open to him. The letter in question appeared in the newspapers. The hon. Member might therefore have addressed a letter to the editors which would have been published in the same sheets; or he might have asked to appear again before the Committee, and contradict the statements which had been made. A great deal had been made by some speakers of the fact that the letter had proceeded from an unauthenticated source, and had not been fortified on oath; but the hon. Member for Gravesend might appear on his oath, and his position was therefore infinitely stronger than that of the writer of an unauthenticated letter. It had been admitted that the House got itself into a false position, by the fact that it somewhat rashly and hastily allowed itself to be seduced the other night into calling the printers of those newspapers to the Bar; and now how was it proposed that the House should extricate itself from that difficulty? Why, by a course which was in a manner a reflection upon one of the Committees of the House. [Mr. BENTINCK dissented.] The hon. Member for West Norfolk shook his head; but the hon. and learned Member for Londonderry that evening said—and he (Mr. Dodson) had taken down his words—that the appearance of that letter was a discredit to the Committee, and if they were to carry that Motion calling upon the Committee immediately to report as to their proceedings in regard to the matter, they would be endorsing the statement of the hon. and learned Member for Londonderry. The right hon. Gentleman the Member for Buckinghamshire spoke in the same sense, and further criticized pretty severely the conduct of the Chairman of the Committee; but he was not going to enter into that part of the subject, for it appeared to him that no Member of the Committee objected to the course taken by the Chairman. It had been explained that the right hon. Gentleman the Chairman of the Committee could not, without violating the Rules of the

House, state to the House what had passed before the Committee, but a Member of the Government, who was also a Member of the Committee, had conveyed to them pretty plainly how it all came about. He contended that by the course now proposed, the position of the hon. Member for Gravesend would in no way be improved, and he cautioned the House against involving itself in another unpleasant position by appearing to reflect upon the conduct of one of its Committees. He trusted therefore that the House would support the proposal of his hon. and learned Friend the Member for the City of Oxford, and that they would at once get rid of this difficulty by carrying the proposal that the Order for the attendance of the publishers at the Bar of the House be discharged, and that this question be put an end to. This Session they had been having nothing but questions of Privilege or *quasi*-Privilege. He thought the multiplication of those questions was not calculated to raise the dignity of the House, nor the honour in which it was held by the country; and that if they proceeded, night after night, with discussions of this character they would be in great danger of losing their prestige in the country, and not be far from taking that short but fatal step which separated the sublime from the ridiculous.

THE CHANCELLOR OF THE EXCHEQUER: I think that if the House had before been in want of any reason for supporting the Motion of my right hon. Friend at the head of the Government, reason sufficient would have been supplied to it by the speech which we have just listened to, and especially if we couple with it the speech we heard a few minutes ago from the hon. and learned Gentleman the Member for Denbighshire (Mr. Osborne Morgan). I am particularly anxious to call the attention of the House to the effect of these two speeches taken together, because it was my lot to be the organ of the Government in conveying to the House the assent of the Government to the original Motion for the appointment of the Committee which is now under discussion. When I conveyed to the hon. and learned Member for Taunton (Sir Henry James) that assent, it was felt that its appointment was a step for which there was no precise precedent. It was felt that the House was committing to them

an inquiry of great delicacy, and one which it was a matter of some hesitation whether it was right and safe to hand over to a Committee. We have been told now to-day by the hon. and learned Member for Denbighshire, that if the proceedings which are carried on before that Committee had been carried on before another tribunal, the letter about which so much has been said would not have been admitted, and therefore, from the talk which goes on, from the publication to which attention has been drawn, and from the comments made, we may ask with some anxiety, how is this Committee carrying on its business, and is it carrying it on in a manner satisfactory to the House and in accordance with the general feeling with which it was appointed? The right hon. Gentleman the Member for Chester (Mr. Dodson) says that in calling on the Committee to give a Report with regard to a matter to which its attention has been drawn, you are casting some reflection, and implying some blame on that Committee. We are doing nothing of the sort. We are doing precisely the opposite. When we hear that certain things are said as to the mode in which the business before the Committee is conducted, we want to know whether there is any foundation for the charges made, and we take the respectful course of asking the Committee itself to report to us what is the mode in which they have proceeded. I cannot conceive anything less disrespectful or anything more respectful to a Committee than that, when our attention is called to a matter which involves a breach of Privilege, we should refer to the Committee itself to tell us what it is that has been going on. The right hon. Gentleman the Member for Chester says—"Oh! but what need for this? You know all that goes on. It is in the newspapers." But we do not know whether the proceedings are reported correctly in the newspapers or not. A case has occurred this evening which shows that reports in the newspapers are not to be depended on as thoroughly accurate. We consider, therefore, that the proper, the legitimate, and the respectful course is to refer to the Committee itself to report to us what its proceedings have been. I do not doubt for a moment that when the report is made we shall see that the proceedings of the Committee are thoroughly correct,

Mr. Dodson

and such as we can approve. There is no other way of acting without leaving the matter in an unsatisfactory position. Our attention has been called to the fact that a certain letter which, if addressed to the newspapers directly, would expose them if they published it to an action at law, was read at the Committee, and afterwards found its way into certain newspapers. What we want to know is whether that letter was read at the Committee; whether, if read, it was taken down by the reporters from the mouth of the person who read it, or whether it was imparted by the Committee to the reporters. In short, we want to know whether, if so imparted, it was the act of the Committee, or whether it was done with or without consideration by any Member of the Committee. That is the matter before us, and I venture to think that we are taking the course not only most respectful to the Committee, but most convenient to the House.

Mr. CHILDERS: Sir, I think the speech of my right hon. Friend the Chancellor of the Exchequer should persuade every Member of the House to vote against the Motion of the First Lord of the Treasury. I venture to say a few words on this occasion as one who during the 15 Sessions I have been in the House, have had the good fortune or the ill fortune to be the Chairman of a good many Committees. Now, what follows if the Motion of the right hon. Gentleman is carried? It depends upon the success or failure of the Motion whether a Gentleman may accept with satisfaction the office of Chairman, or whether he must shrink from accepting it. ["No, no!"] Though I do not pretend to be an authority on Parliamentary practice, of this I am sure—that if there be one rule which is certain above all others, it is, that when a Committee is appointed, the House does not interfere with its proceedings except on a Report from that Committee. With respect to the internal conduct of a Committee, that is left to the Chairman, with the consent of the majority, and it is absolutely unknown that the House should interfere, not upon the Motion of the Chairman or of any Member of the Committee, but on a Motion of a Member of the House, who only draws his information from the newspapers. If this were only an ordinary case, the person

so interfering would be transgressing a well-known principle established for many years. But what has the Chancellor of the Exchequer said? He has told the House that this Committee is dealing with questions of great delicacy and difficulty. He has told us that it was he who, on the part of the Government, recommended the House to appoint the Committee. But my right hon. Friend might have added that, until his speech was over, we were in doubt whether the Government would consent to the Committee or not. In fact, we listened to my right hon. Friend's speech wondering whether he would find out, from certain sources of information consulted in the meantime, whether the Committee might safely be consented to or not. My right hon. Friend has said that it was a Committee appointed to inquire into matters of great delicacy. But surely that, of all possible reasons, was the strongest why we should not interfere with its action. My right hon. Friend, however, says that, because the Committee was charged to report upon matters of great delicacy, we are entitled to see how it is carrying on its business. That reminds me of the story often told about children who, when they have sown seeds in their garden, are in the habit of digging them up to see how they are growing. If ever there was a case when it would be unwise to interfere, it is that of a Committee entrusted with the charge of inquiring into matters of the greatest delicacy and difficulty. But let us now go back to the origin of the muddle and mess into which the House has got. What happened during the last few days? In the first place, the hon. Member for Londonderry handed a Notice to the Clerk at the Table of a Question that he intended to ask. He was told that it was informal, and then the hon. Member, without consulting the head of the Government, who is responsible for matters of this kind, proposed that we should take a certain course in punishment of a breach of Privilege. The hon. Member made a speech of some length on Tuesday last, and when he had finished some seconds passed before anybody rose to second his Motion. It was only after considerable delay that an hon. Member at this side very unexpectedly did so. No one rose to answer; we were not assisted by the Leader of the House; then an hon. Member spoke

a few sentences, which were received with dead silence; and, no one else rising, the Question was put. Nobody said "Aye" but the hon. Member for Londonderry and the Seconder; a very large number on both sides said "No," and I am sure a great many Members on both sides believed that the Motion was rejected. But the Seconder insisted on a division, and then we became aware that the right hon. Gentleman, who would not advise the House, who would not say a word, most unexpectedly instructed a particular person to say that he was going to vote with the "Ayes." That was the first after-thought of the right hon. Gentleman, and that was the way in which we had got into the muddle. The right hon. Gentleman said, a little while ago, that it did not occur to him at the moment that the present course ought to be taken; but it has since occurred to him to put the present Motion on the Paper, and he proposes that a certain reference should be made to the Committee. Hon. Members come down assuming that all that is proposed is this reference to the Committee; but, since the right hon. Gentleman has decided that, something else has happened and it has occurred to him that the Motion should be followed by the discharge of the Order for the attendance of the two publishers. That is the second after-thought. If that is so, may I suggest to the right hon. Gentleman to have a third after-thought, and to adopt the proposal of my hon. and learned Friend the Member for the City of Oxford? He must have seen from the course of the debate, and from the speeches made on his own side, that we are engaging in another difficulty, and that he will require a fourth after-thought in a few days. The Committee consists equally of Members on both sides of the House; it contains three Members of his own Government, and not one Member of the Committee voted with the right hon. Gentleman the other evening. He is taking a course of antagonism towards the Committee, and surely it would be much more dignified to drop the Motion and this affair altogether, and to go on with the other business.

MR. NEWDEGATE said, the question was how the House could best escape from the difficulty in which it

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was placed. It seemed to him totally impossible, that the House should withdraw from the proceedings which it took a few days ago on this question. If it did, he felt with the Prime Minister that they were in danger of having those printers appear at the Bar, and, in language however courteous, convicting the House of not having defined what should and what should not be published in the shape of proceedings of one of their Committees, and thus being covered by the Privilege of the House. It appeared to him that the difficulty arose from the practice of the proceedings of the Committee being reported from day to day, and that the House had adopted no means whereby its Privilege might be secured against abuse being used for the purposes of libel and slander. This was brought home to the House by the charge directed against one of its own Members; but, surely, the House should protect not only one of its own Members, but should take precautions against its Privilege being used as a shield for libel and slander under cover of reporting the proceedings of Committees. This was, in his opinion, part of a very great question. Hitherto the House had trusted to the newspaper Press for the reports of its debates; but having now adopted a system of secret voting, and several other practices which had been prevalent abroad, they would have to follow the example of the Legislatures of France, the United States, Austria, and other countries in other respects, and especially in appointing an authority to supervise the publication of not only the proceedings of their Committees, but the reports of their debates. He doubted very much whether the Chairmen of Committees were competent to revise the reports of the proceedings which were issued to the public, and he believed that some authority—either the clerks of Committees, or some one else—ought to be directed to see that nothing libellous, slanderous, or discreditable, was published under cover of being part of the proceedings of the Committee. He thought they were quite right in asking some explanation from the Committee how it happened that this discreditable letter had been published.

MR. HORSMAN thought the further they proceeded in this discussion the more the difficulty appeared hopelessly inextricable. He could not see how

those who voted with the majority the other evening could vote for either the Resolution of the right hon. Gentleman or the Amendment. They were both at variance and inconsistent with the second vote the other evening. The Chancellor of the Exchequer had referred to the original appointment of this Committee, and to what then took place in debate. He said the House had entrusted to the Committee a very delicate inquiry. He might also have stated that it was an almost unprecedented inquiry; for he had not only implied it in the course of his speech, but asserted it more than once. The Government came down at 5 o'clock, intending to oppose the Motion of the hon. and learned Member for Taunton (Sir Henry James); but they found the feeling of the House too strong, and the Chancellor of the Exchequer put a new head and a new tail to the speech which he had evidently prepared to oppose the Motion, and then spoke in favour of the Motion; but he saved himself by taking two divisions. He stated the difficulties of the case, and he made one condition to limit the inquiry—that the hon. and learned Member for Taunton should put himself in communication with the Government, and they should take the lead in the nomination of the Committee. Three Members of the Government were named, with the Solicitor General, to watch the Committee generally, and make themselves responsible for their proceedings. The Committee decided it should be an open Committee, and new difficulties arose. A letter was read, it was heard by the reporters, and published with the rest of the proceedings. That was the state of the case, and he could not help thinking that the Chairman of the Committee had been treated rather unfairly. The Chairman of that Committee regulated its proceedings just as the Speaker regulated the proceedings of that House; but the one was no more responsible for those proceedings than the other for the course of their debates. In this case, the letter which was read contained a request that it should be sent to *The Times* and *The Daily News*, and as no Member of the Government asked how it was to be dealt with, the letter in the usual course of the proceedings got into those papers. The House knew all that it wanted to know, but having voted that a breach of Privilege had been com-

mitted, the question was, by whom? Was the Committee really responsible for that breach of Privilege? That seemed to be suggested by their sending back this inquiry to the Committee. There was an implied censure on the Committee. They asked the Committee to report that they were themselves responsible for the breach of Privilege. That was a very extraordinary proceeding. It was perfectly unprecedented to interfere with the proceedings of a Committee before they reported. He should be very glad to see his way out of the difficulty which did not involve him in inconsistency; but he must either vote for the Resolution of the right hon. Gentleman, which he could not help thinking implied censure on the Committee, or he must vote for the discharge of the Order, contrary to the vote he gave the other evening. He thought the fairest, the most just, and the most generous course was to vote for rescinding the Order.

MR. BULWER said, he thought it very extraordinary if a Committee of which several hon. and learned Gentlemen, Her Majesty's Counsel, were Members, and who had determined to take evidence only on oath, had allowed an unauthenticated letter to be treated as evidence; and he did not believe that they had done so. But if not given in evidence, how came it to be published as part of their proceedings? That it ought not to have been published was perfectly clear, and if published by the authority of the Committee, it could only have been through inadvertence, which he had no doubt could very easily be explained. But as the matter stood, without explanation, the Committee and the House were in a difficulty. Three modes had been pointed out for getting rid of the difficulty. He ventured to suggest another—that the Chairman of the Committee or any other prominent Member of it should tell the House exactly the circumstances connected with the publication of that letter, and express their regret that a letter containing scandalous libels on a Member of that House had through inadvertence got into the newspapers, and the whole thing would drop.

MR. RATHBONE said, he would remind the House and the hon. and learned Gentleman that that was precisely the step already taken, by a Mem-

ber of Her Majesty's Government, the Judge Advocate General, who said that notwithstanding the Rules which regulated the proceedings of Committees, he should state what really took place, and he did so state. ["No, no!" and "Divide!"] He repeated that the hon. Gentleman had stated what took place at the Committee. ["No, no!"] He (Mr. Rathbone) should give his vote against the Motion of the right hon. Gentleman, and for this reason, that he did not wish to be a party to what appeared to him to be a solemn and untruthful farce.

Mr. CHARLES LEWIS: I hope, Sir, the House will allow me to say a few words after the very peculiar terms in which I have been referred to by the hon. and learned Member for the City of Oxford. The hon. and learned Gentleman has proved himself a perfect master in twisting the remarks of other persons. The hon. and learned Gentleman said that I did not mix myself up with the Government. The observation which I really made was, that I would not mix the Government up in my action. Then the hon. and learned Gentleman referred to the evidence I gave before another Committee, as if for the purpose of twisting that also into a meaning different from what I ever intended. I will not retort upon him, as I might, by referring to the elegant expressions he has used in reference to the Party of which I am a Member. His idea was old, but the phraseology was new, and what was new was not good. In lieu of of telling us that we were a stupid Party, he thought proper, when addressing us in the elegant language for which he is often remarkable, to say that we were the "blockheaded Party." We are not in the habit of resenting such expressions coming from such a quarter. We know that is part of the stock language, stock imputation, and stock proprieties of the hon. and learned Gentleman. Will he allow me to remind him, by way of retort, that it has been said during the last few months that the Party to which I suppose he belongs is a no-headed Party. We hear that repeated frequently from those benches opposite. Let me suggest an alteration of the title. I think, from what we notice of the conduct of the hon. and learned Gentleman himself, and one or two right hon. Gentlemen on that bench, we may better

Mr. Rathbone

describe it as a many-headed Party. We know that some who watch with interest the proceedings of the hon. and learned Gentleman think that what he desires is to bring it back to being a single-headed Party, and the noble Marquess at the head of the Opposition might address him in these well-known words—

"I stay too long by thee; I weary thee.
Dost thou so hunger for my empty chair
That thou wilt needs invest thee with mine
honours
Before thy hour be ripe?"

Will the hon. and learned Gentleman allow me to continue the quotation, if I assure him that I mean nothing personal when I say—

"Oh, foolish youth!
Thou seekest the greatness that will o'erwhelm
thee.
Stay but a little."

And the noble Marquess, without any vindictive feeling, might go on to say—

"Thy life did manifest thou lov'dst me not,
And thou wilt have me die assur'd of it.
Thou hid'st a thousand daggers in thy
thoughts
Which thou hast whetted on thy stony heart,
To stab at half an hour of my life.
What! can'st thou not forbear me for half an
hour?"

Sir, I do not pretend to be a master of that wonderful chaff and badinage in which the hon. and learned Gentleman is so great a proficient; but as he so often levels his shafts against me, let me have the liberty of telling him that, although he has left his seat here, he left part of his mantle behind him. I am sorry he did not take the whole, but still we have seen upon the front Opposition bench that divided allegiance and marvellous independence of spirit of which he might have shorn this bench, but which he left for me to copy as an example. But, Sir, the independence I have represented here has been independence of principle. I have never gone down to my constituents to rejoice over the misfortunes of my Party. In conclusion, and while asking the leave of the House to withdraw the Motion which I formally made, I would earnestly entreat of the hon. and learned Gentleman for the future that, instead of taking a person so unworthy of his ridicule and his shafts as

myself, he will endeavour to measure his sword with some one more worthy and more able to meet him.

MR. SPEAKER: A Motion and an Amendment being before the House, I must remind the hon. and learned Gentleman that the Motion cannot be withdrawn unless the Amendment be withdrawn also.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Question proposed,

"That the words 'it being stated in 'The Times' and 'Daily News' newspapers of the 9th instant, referred to in the Order of the House of the 13th instant, that a letter, professing to be written by M. Victor Herran, Honduras Minister in Paris, and addressed to the Right honourable Robert Lowe, Chairman of the Committee on Loans to Foreign States, was read and made part of the proceedings before the Select Committee on Loans to Foreign States on the 8th instant, it be referred to the said Committee to report to the House whether such letter was produced and read before the said Committee and under what circumstances, and whether any copy of the said letter was communicated by or on behalf of the said Committee to the said newspapers or either of them,' be there added."

Amendment proposed to the said proposed Amendment,

To leave out from the word "being" to the end of the Question, in order to add the words "inexpedient to proceed further in the matter of the Order made on Tuesday 13th April that Mr. Francis Goodlake, the printer of 'The Times' newspaper, and Mr. William King Hales, the printer of 'The Daily News' newspaper, do attend at the Bar of this House, the said Order be now read, and discharged,"—(*Sir William Harcourt.*)—instead thereof.

Question put, "That the words proposed to be left out stand part of the said proposed Amendment."

The House *divided*:—Ayes 231; Noes 166: Majority 65.

Main Question, as amended, put, and *agreed to*.

Ordered, That, it being stated in "The Times" and "Daily News" newspapers of the 9th instant, referred to in the Order of the House of the 12th instant, that a letter, professing to be written by M. Victor Herran, Honduras Minister in Paris, and addressed to the Right honourable Robert Lowe, Chairman of the Committee on Loans to Foreign States, was read and made part of the proceedings before the Select Committee on Loans to Foreign States on the 8th instant, it

be referred to the said Committee to report to the House whether such letter was produced and read before the said Committee and under what circumstances, and whether any copy of the said letter was communicated by or on behalf of the said Committee to the said newspapers or either of them.

MR. DISRAELI: I now move, Sir, that the Order for the attendance of Mr. Francis Goodlake, the printer of *The Times*, and Mr. W. R. Hales, printer of *The Daily News*, to attend at the Bar of the House be read and discharged.

SIR WILLIAM HARCOURT thought that the House ought to have some explanation on this matter. The House had resolved to ask a question of the Select Committee; but it now appeared that the answer was so unimportant, that the House were called upon to determine on the course to be adopted before they got the answer. It appeared to him that every step they took involved some additional absurdity. His right hon. Friend the Member for Chester (Mr. Dodson) feared that the House would lose its prestige in the country, but he (Sir William Harcourt) thought they were becoming the laughing-stock of the nation by going on in this way. It was always an unpleasant operation to eat your words; but the House of Commons was now asked by the Prime Minister unanimously to revoke what it had unanimously voted on Tuesday. This appeared to be a greater absurdity than any which they had already committed.

MR. DISRAELI: Mr. Speaker, I believe there is no passion which more influences the human breast than envy. When we remember that the hon. and learned Gentleman had announced that it was his intention to propose the very Motion I have now made, I think that we can sympathize with and pardon the excessive expressions in which he has conveyed his sentiments. The hon. and learned Gentleman is filled with the great desire—to use his own words—of "hanging these printers up." He says nothing can be more inconsistent than the course we are about to take. He says you have determined to refer to the Committee for information, and you will want the printers when you get that information. The hon. and learned Gentleman assumes that the Report of the Committee will be condemnatory of themselves, and will call upon the

House to avenge its outraged principles. I will take a calmer and more charitable view. I would give the Committee the opportunity—standing high as they all do in the estimation of this House—of rising still higher in general esteem. I believe the communication they make will be satisfactory to all the interests and persons concerned. All that we shall then remember of this debate will be that the time has not been wasted—particularly when we see what is on the Paper this evening—which has given an opportunity to the hon. and learned Gentleman and his Friends to develop those Constitutional principles and pour out that Constitutional learning which the House so highly appreciates, and the possession of which tends so much to maintain—I will use the expression of the right hon. Gentleman opposite (Mr. Dodson)—the prestige of the House of Commons.

THE MARQUESS OF HARTINGTON: My hon. and learned Friend the Member for the City of Oxford did, Sir, express a wish to discharge these printers from their attendance; but he took that course, because he thought it never was necessary to require their attendance at all, and that the further progress we made in this matter the deeper we got into the mud. In total ignorance of what the Report of the Committee may be, the right hon. Gentleman moves that the printers should be discharged from their attendance, notwithstanding that the Report may show that a very serious breach of Privilege has been committed. We do not know whether the letter the publication of which is complained of was read in the Committee at all; we do not know that the newspapers did not acquire possession of the letter by some totally illegitimate means; but, still, although the House has declared that the printers have been guilty of a breach of Privilege, and although the right hon. Gentleman wishes to obtain further information as to the way in which that breach of Privilege was committed, he thinks it necessary to ask the House to discharge the printers from further attendance. I am sure that the Motion will not be disputed from this side of the House, although I cannot altogether concur in it for the reasons I have stated.

Motion agreed to.

Mr. Disraeli

Ordered, That the Order that Mr. Francis Goodlake and Mr. William King Hales do attend at the Bar of this House, be read, and discharged.—(*Mr. Disraeli*.)

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

BRISTOL CHANNEL—HARBOUR OF REFUGE.—RESOLUTION.

MR. MONK, in rising to call the attention of the House to the want of a Harbour of Refuge in the Bristol Channel, and to move—

"That, in the opinion of this House, the construction of a Harbour of Refuge at Lundy Island, which was suggested by the Royal Commission of 1859, demands the serious and early attention of the Government as a work of national importance,"

and after having presented various Petitions in favour of the Motion, said, there was no part of the coast where a harbour of refuge could be more useful, or where it could be less expensively constructed than at the place designated in the Resolution. The great question, however, had been one of cost, and with reference to that, he thought money could not be better laid out than in the protection of valuable lives at sea. The statistics furnished periodically by the Board of Trade showed that the number of wrecks and casualties which occurred periodically in British waters, within 10 miles of the coast, was absolutely appalling. Between 1852 and 1857 the average number of wrecks and casualties on the coasts of the United Kingdom annually amounted to 1,051; between 1858 and 1862 they had risen to 1,389; from 1863 to 1867 they averaged 1,732 annually, and between 1868 and 1872, 1,779; while in the first six months of 1873, beyond which the Returns did not extend, the number was 967. During the six years ending 1872, the annual average loss of life was 2,008, whereas during the six years from 1852 to 1857 it was only 780. In 1859 the loss of property was estimated at £1,500,000 sterling, while it now exceeded annually £2,500,000 sterling. These figures alone showed that the subject was one which well deserved the consideration of the House. A Committee of the House sat in 1857 and 1858 to investigate it, and

they reported in favour of grants of sums of money for the construction of harbours of refuge. A Royal Commission was subsequently appointed, which visited the various ports and made a valuable Report containing a similar recommendation and pointing especially to the advantage of Lundy Island, as a site both for a harbour of refuge, and a naval station for the defence of the coast. In the year 1860 Mr. Lindsay moved that the recommendation of the Royal Commission should be adopted, and although the Motion was opposed by the Government of the day it was carried, and amongst those who voted in the majority were seven Members of Her Majesty's present Government, including the First Lord of the Admiralty, the noble Lord the Minister for Foreign Affairs, and the Judge Advocate General. In the year 1861, probably in consequence of the carrying of that Motion, the Government brought in a Pier and Harbour Bill and it became the law of the land; but the construction of harbours of refuge had received no support from successive Governments. The Royal Commissioners recommended that where there was an entire or a virtual absence of local interest at the place selected for the site of a harbour of refuge, and where the benefit would be confined exclusively to the passing trade it should be considered a national undertaking and be constructed at the public expense. A harbour of refuge at Lundy Island, as had been shown, would be most valuable as a point of departure for ocean-going ships, as a refuge for convoys, and as a naval station. The proposed works might be properly executed by convict labour, and the island was admirably adapted for a convict station, being $2\frac{1}{2}$ miles long, by half-a-mile wide, nine miles distant from the nearest land, with good water, and exceedingly healthy. The cost of the proposed harbour works, if carried out by free labour, would be about £500,000; but if executed by convict labour, for which the island was very well suited, it would be only one-half of that sum. Lundy Island possessed a lighthouse and a good anchorage; but during the westerly gales the pilot boats were driven away from the island, to the detriment of the service, and inconvenience and danger to life and property. If ever a harbour were to be constructed there, now was

the time to think about it. The island belonged to one proprietor, it had good water, and he thought convict labour might be transferred thither from Portland. The number of vessels that navigated the Bristol Channel was somewhere about 80,000 per annum, representing some 11,000,000 tons of shipping. The loss of life on our coast was perfectly appalling, and he regretted to say a considerable number of the wrecks occurred in the Bristol Channel; for instance, in the year 1872, 250 vessels were lost in only a portion of it. At present there was no harbour except the small and dangerous one of Padstow along 60 miles of iron-bound coast from the Lands End to Lundy. He was sure the Government would give the matter their consideration, and he should leave it in their hands. The hon. Member concluded by moving the Resolution.

MR. CORDES, in seconding the Motion, said, he could bear testimony to the interest excited by the subject throughout the district. The question involved, however, was not a mere local one. The extent and value of the shipping which passed during the year through the Bristol Channel might be realized from the fact that it amounted to one-sixth of the shipping of the whole Kingdom. There could be no doubt whatever in the mind of any one who studied the subject that Lundy Island was well calculated for a harbour of refuge. One of the witnesses examined before the Royal Commission said the island was fixed there on purpose to supply a harbour of refuge. The Commissioners themselves were without doubt about such a harbour being necessary, and though they did not advise that it should be at once constructed, they recommended that the matter should be kept in view. That could not be said to have been done, for since then 16 years had elapsed, and now the question of a harbour of refuge at Lundy was hardly visible. They wished again to bring it into prominence, so that at no distant day a harbour into which vessels could run with safety might be made in the Bristol Channel. If he proposed that they should ask for £500,000, no doubt the Chancellor of the Exchequer would probably point to his cash-box, the empty condition of which he had on the preceding evening pointed out as the acme of financial art; but what he

did propose was that a small amount should be expended annually until the harbour was completed.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the construction of a Harbour of Refuge at Lundy Island, which was suggested by the Royal Commission of 1859, demands the serious and early attention of the Government as a work of national importance,"—(*Mr. Monk*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. E. J. REED said, that no part of the country had shown greater enterprise than the ports of the Bristol Channel, and he should be sorry to do anything that would be injurious to the interests of their shipping trade; but when the House was asked to favour a Motion for the construction of a harbour of refuge it became it to look closely into the grounds upon which that proposal was based. Although he had nothing but praise to offer for the spirit in which the Motion had been made, he must say that the case presented was a weak and unsatisfactory one, since the particular harbour now advocated was not one which had really received the recommendation of the Royal Commissioners. The hon. Gentleman the Member for Monmouth (*Mr. Cordes*) said he did not apply for any large or immediate expenditure, he only asked for a small sum to begin with; but when once begun, the work could not be abandoned. The Royal Commission spoke of this harbour only in connection with the trade of the Bristol Channel, and to that extent it partook of all the incidents of a local trade, and although they did not recommend its adoption, they did one at the Mumbles. [*Mr. Monk* said, they recommended it as a naval station.] They recommended it as a harbour for the convenience of the Bristol Channel; as a harbour of refuge in its full meaning, it would be worth nothing. It was said that the formation of a harbour of refuge by means of convict labour would save much of the expense of the construction of the harbour in question. But it was proved that such labour was of very questionable nature; but the great objection that he had to the proposal of the hon. Member for Gloucester (*Mr.*

Monk) was, that if the Government contemplated yielding to this demand they would decidedly fly in the face of the Report of the Commissioners, by taking up a harbour which they did not recommend in preference to those which they did recommend. He hoped the Government would not give any assent to this project, without giving the opportunity of re-considering the whole question of harbours of refuge. If the question were taken up under the auspices of the right hon. Gentleman opposite they might succeed in getting a number of harbours of refuge constructed with propriety, and in due order, worthy of the House, the country, and the period, and a great service would thus be rendered to the maritime interests of the world.

SIR EARDLEY WILMOT said, he should have great pleasure in supporting the Motion, for it was impossible for anyone though not a sailor, to reside in the locality, and not see, as he had at Weston-super-Mare, the many disasters which occurred to shipping, and which testified to the necessity for the provision of a harbour of refuge, not merely for the benefit of the trade of the port of Bristol, but also for the shipping trade of the Bristol Channel generally. From Gloucester to the Land's End there was not a harbour which was not a tidal harbour, and, owing to the sudden changes in the wind, and violent storms in that locality, there were sometimes 500 vessels windbound in the Channel, the ports of which owned a very large proportion of the shipping of the country. As regarded Lundy Island, no doubt the great objection made to it was the amount of expense attaching to it, from the great depth of water in which the works would have to be constructed. If it was too considerable, he would suggest that it might be desirable to construct a harbour and port of refuge at Brean Down, a promontory of the Bristol Channel, which, he contended, might be done for £100,000, and respecting which the testimony of eminent civil engineers, and especially of Sir John Coode, had been already adduced as to the practicability of constructing it. Anyhow, the Bristol Channel had a fair claim to be considered, and if the Government would give the subject its impartial consideration, he had no doubt the wishes of the hon. Member for Gloucester would, sooner or later, be carried into effect.

Mr. Cordes

Mr. SCOURFIELD said, that as one of the few Members left in the House, who had served on the Committee on Harbours of Refuge, he felt greatly tempted to sing the praises of Milford Haven, and certainly if it were proposed to expend £500,000 on this coast, a fifth part of that sum might be advantageously spent upon the docks at that port. He doubted whether the representations of individual Members in favour of expenditure on their own locality had much weight with the House. The Executive was the proper Department to take such matters up, and if the Government declined to be guided by the Report of the Royal Commission of 1859 on account of the lapse of time, let them appoint another Royal Commission.

Mr. BROGDEN said, that the establishment of telegraphic communication between Lundy and the mainland would be an object of great importance to the mercantile community and to the public, and one much more easy of attainment than that proposed by the hon. Member for Gloucester. Lundy presented already many of the features of a natural harbour of refuge; but for want of communication with the mainland, ships ran in there in stress of weather, and lay there for many days together without any knowledge of their safety reaching those who were interested in them.

SIR CHARLES ADDERLEY said, that the hon. Member for Gloucester (Mr. Monk) had rested his whole case on the Report of the Royal Commission of 1859. On turning to their Report, however, he found that they were of opinion, with regard to a breakwater at Lundy Island, that the depth of water was so great that the cost of construction was not to be thought of until the other harbours on the coast, which they regarded as more important, had been completed. The hon. Member, therefore, at once disposed of his own Motion. Lundy Island was itself a natural breakwater against the waves of the Atlantic, and he agreed as to its natural advantages as a harbour of refuge. It had also excellent material for building, and was well circumstanced for using convict labour; it was also better situated than other places named further up the Channel. But allowing for all the advantages attaching to Lundy Island, the Commission to which the

hon. Member for Gloucester referred recommended that public money should not be expended in making a harbour of refuge there until all the other places they mentioned had received prior attention. The constitution of harbours of refuge, in a national sense, moreover, was a very disputable point. It was a preferable course to facilitate the efforts of those engaged to deal with the necessities of commerce by the improvement of existing trading harbours. Since it had been found that the country was not prepared to expend money on artificial harbours of refuge, the local communities had set to work improving their own trading harbours. In the Wear, and the Tees, and the Tyne especially, gigantic works had been taken up by the localities interested in them, aided only by advances from the Exchequer Loans Commissioners. In that way the trading harbours had been so greatly improved as to be useful, not only for their original purpose, but likewise as harbours of refuge. Provision for maintenance was as important as that for first construction. These works were carried out with the support both of the communities where they were situated and also of the shipping interest; and they were afterwards kept in repair by the same means. The financial advantages of such a course were obvious, for the mercantile community, who were a rich interest, were ready to spend their money on works of that kind, and in a better way perhaps than the Government could expend it. On the other hand, the shipowners distinctly told them that they were not willing to pay passing tolls for the support of national harbours of refuge, and the Underwriters equally rejected them. Perhaps it was thought that these interests considered themselves safe by their own insurances. But it should be remembered that they were perfectly ready to pay passing tolls for lighthouses, which they deemed useful to them, but not for harbours of refuge. In this case there would be no local dues to support the harbour, for the population might be said to consist of rabbits, and if it was meant to charge the shipping interest generally, one such harbour as this would make the Mercantile Marine Fund bankrupt. He could not think that the proposal contemplated that such a work should be carried out simply at the expense of

the Consolidated Fund, especially as Lundy had no prior claim in the matter. With regard to the case of Dover, he had made no claim to the expenditure of public money there on account of its being a fit place for a harbour of refuge. He had laid his chief stress on the advantages of Dover for a naval and military station at a most important point on our coast. The changed circumstances of the coasting trade also further weakened the claim for harbours of refuge, because steam was now so much used that many vessels stood out to sea rather than seek such harbours. Altogether, then, he must tell the hon. Member that having appealed to Cæsar, to Cæsar he must go; and in the words of the Royal Commission, he said the cost of the construction of a harbour of refuge where the hon. Member suggested ought not to be thought of, at all events, until harbours of more urgent necessity had been made.

GENERAL SIR GEORGE BALFOUR thought the policy now so distinctly announced by the President of the Board of Trade of encouraging the improvement of mercantile harbours which would be valuable both for trading purposes and as harbours of refuge, was a sound and wise one, and he hoped it would be adhered to and enforced by the permanent officers of the Board of Trade, as well as by the Government. The fact of localities improving their harbours by means of loans from the Exchequer Loan Commissioners was most important, only it must be borne in mind that the aid rendered had only amounted to a loan of a little more than £1,000,000 against upwards of £25,000,000 borrowed from other sources, and in face of this short aid they now found the Board of Trade using every effort to draw the country into an expenditure on Dover Harbour to the extent of the aid granted as loans to all the other harbours in the kingdom. It was a project pushed forward with great force by the Liberal Party, which committed the country to this large expenditure, by obtaining a Vote of £10,000 at the end of the Session by a majority of 61 to 59 votes. The reasons now given by the President of the Board of Trade for the proposed large expenditure at Dover were quite new, and certainly they had never been put forward by the late Duke of Wellington. So far from

that great man advocating Dover as the place to be improved on that coast, he, on the contrary, in 1843, before the Shipwreck Committee, pointed to Dungeness as the proper site; and in a conversation with Mr. Walker, the engineer, to Seaford, as shown in the Proceedings of the Committee on Harbours of Refuge of 1858.

Amendment, by leave, *withdrawn*.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

THE QUEEN v. CASTRO—PETITION OF THOMAS BIDDULPH AND OTHERS.

OBSERVATIONS.

MR. WHALLEY, in rising to call attention to the Petition signed by Anthony Biddulph and others, praying for a free pardon to Castro alias Tichborne, said, that the Petition would have been signed by many other persons, including several noble Lords, but that they were prevented by the Forms of the House from addressing it on the subject. Among the signatories, however, was the cousin of the convict, a gentleman of unimpeachable position, and several persons residing in the neighbourhood of the Tichborne estates; and if he had been in this country he might have asked the present Viceroy of India to attach his signature, as he was one of those who, at the early stage of the proceedings, subscribed the sum of £5 towards a fund which was started with the view of enabling the person called Castro to prosecute his claim. Others who signed the Petition had been tenants on the Tichborne estate, but some of them, because they insisted that the Claimant was the heir to the Tichborne property, had lost their occupation. It was signed, also, by representative men, eight of the petitioners being chairmen of Tichborne Associations in the neighbourhood of London. The Petition, therefore, he submitted, was entitled to the attentive consideration of the House. There was nothing whatever contained in it to which the Committee on Public Petitions could possibly take exception. It broadly and boldly, but in respectful language, stated that in the opinion of those who subscribed their names there had been a serious miscarriage of justice, which raised by implication a charge against those who were responsible for

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the prosecution and for the conduct of the trial. The Petition was read at the Table and had since been printed by order of the Committee of Petitions. Each of those who signed it would, he believed, be found on inquiry to be well entitled to convey to this House his views on the subject, and not one of them could be justly styled a fool or a fanatic, or specimen of that ignorant, infatuated, and deluded multitude who, in public meetings throughout the country and by Petitions to Parliament, showed their views. The Petition was free from any of the objections successfully urged last night against other Petitions—that was to say, it did not expressly impute to the Judges who presided over this trial, misconduct; but it appeared to him that, by reasonable implication, it did put on trial the conduct of those Judges, and all who were responsible in any degree for the administration of the law in the memorable cause, and it afforded to the House the opportunity of doing justice to all such persons and authorities, if the House deemed them to be unjustly assailed. The Petition from Prittlewell had been rejected, because it stated in express terms that the Judge of the Tichborne trial had not secured for the defendant a fair trial. This Petition stated no more than they believed that the man now lying in penal servitude was innocent of the offences for which he was convicted, and, looking at the circumstances of that trial, such a statement was equivalent to the gravest and most specific charge of dereliction of duty on the part of those who were responsible to the country for originating and conducting that trial. What were those circumstances, and who were the persons or authorities responsible for that unprecedented trial? First, and in the highest degree, the House was responsible, and he laid stress upon this in order that the House might understand why it was that the vast sympathy which the people exhibited in public meeting and otherwise for the convict did not expose itself to insult and ridicule by open expression in the House. The late Attorney General, Sir John, now Lord, Coleridge, was counsel in the civil action which had terminated, not as was generally supposed, in a verdict against the Claimant, but in a non-suit. Notwithstanding that

fact, however, the same hon. and learned Gentleman had taken the extraordinary course of having the defendant arrested and lodged in Newgate on a charge of perjury, and that without preliminary investigation; and, at the same time, with the leave of the House, he undertook to conduct and to pay the expenses of that prosecution. Subsequently, however, the hon. and learned Gentleman admitted the partiality, impropriety, and rashness of his proceedings by withdrawing from further connection with the matter. When called upon, however, to give an explanation of his conduct in the House, he declined to do so, throwing the responsibility upon the then Chancellor of the Exchequer and Home Secretary. He (Mr. Whalley) then applied to the then Chancellor of the Exchequer for the expenses of the defendant's witnesses, which he would be entitled to had he been examined before a magistrate; but the right hon. Gentleman referred him to the public, stating that the sympathizers with the defendant would, doubtless, find the money for his defence. That was, as he stated at the time, an outrage upon the course of proceeding and an insult to the administration of justice. At that time no less than £3,000 had been subscribed out of the pence of the working classes to enable the friends of the defendant to obtain his release from Newgate. It was necessary, in order to act as the Chancellor of the Exchequer had advised, by appealing to the public, to make explanations to them, and, accordingly, his friend, Mr. Guildford Onslow and himself held meetings for the purpose. They found, however, that upon an *ex parte* statement, Mr. Hawkins, instructed by the Government, had obtained their conviction for contempt of Court for addressing a public meeting in St. James's Hall before the trial. They attended the Court of Queen's Bench not to defend themselves, because they were advised that if they did it would be considered an aggravation of the offence alleged against them. The result was they escaped with the small and comparatively merciful penalty of £100 fine each. It was all very well to call the numbers of people throughout the country who believed that this man had not had a fair trial deluded and ignorant, and to characterize them as fools and fanatics. But the man had

no means of defending himself, for ever since the death of his mother he had been utterly penniless, depending for his support entirely on subscriptions from the public, while he had been deprived of the aid and the protection of the law by the act of the Attorney General. His (Mr. Whalley's) own conduct in the matter had been regulated by his sense of public duty; he had declined to permit his fine to be paid by public subscription, and he could assure the House that it should never hear a complaint from his lips with regard to his own personal grievances. The question was, had or had not this man a fair trial? and it was one that was being asked by the whole English-speaking race. He knew of his own knowledge that upwards of 200 witnesses in this man's favour were unable to be called for want of funds. Yet the House stood by when men were sent to prison, and fined for their honest efforts to provide for him the means of defence of which he was so deprived, with the direct cognizance and consent of this House. The right hon. Gentleman the Member for Birmingham (Mr. Bright) demanded that this question—those charges against all concerned in this trial—should again be brought before this House, and the hon. Member for Stoke was severely censured by him for his delay in doing so. Until last night he (Mr. Whalley) shared the opinion that the hon. Member for Stoke should forthwith bring before the House the grounds upon which, with such extraordinary success, he had aroused the country to a sense of the injustice of this Tichborne trial; but that discussion and its result brought out plainly the fact this House was at present in no condition to do justice either to itself or to the question, and whether by reason of its sense of responsibility for any miscarriage of justice and waste of public money, or for any other inscrutable reason, social or political it mattered not, he could not but feel that the national scandal which that trial presented to the whole world would be greatly aggravated by any such action as would assuredly be taken at the instance of the hon. Member for Stoke. Could the House itself believe that it was at present in a fit state of mind, or adequately informed to enable it to discharge in the presence of that country and of the world

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the high judicial function of which it now demanded the exercise? Could it believe that when discussing the merits of a Petition, Member after Member, without a single exception, pledged himself, whatever his opinion on other matters, to the view that the petitioners and all others who believed that the defendant had not a fair trial were the fools and fanatics, the deluded, uneducated, and ignorant mass of humanity as described? Could that House desire to exhibit itself before the world, deciding in that temper and spirit upon questions involving the liberty of an individual and the gravest questions which for centuries had arisen upon the administration of justice? Was it not enough that they should have been for seven or eight years the ridicule of all who ever heard of the Tichborne Claimant; that either they could not punish an impostor, or that they would not do justice? He was not in the councils of the hon. Member for Stoke. He and the hon. Member for Stoke formed something like a party in that House, for they seemed to be the only Members in the House who believed that the Claimant was the true man, or even that he had not had a perfectly fair trial; for if there were any other Members sharing their opinions, surely under such stress as they were subjected to, they would have the manliness to step forward to their help against the overwhelming torrent of abuse and obloquy to which he, for a long time alone, and now the hon. Member for Stoke, were exposed. It had been generally accepted that there must be in this Tichborne Case a conspiracy on the one side or the other. He could assure the House that there was no conspiracy; no, not even combination or concert, between the hon. Member for Stoke and himself. Until last night he had but once seen or communicated with the hon. Member since he first entered the House, and he had no part in his public meetings, nor was he in any sense whatever responsible for his public writings or speeches, and he shared the opinion that he should not defer bringing the whole question before the House. For himself he had been a Member of the House for 23 years, and he trusted that nothing would occur to lessen the respect and the veneration he had always felt and manifested towards it; but after what occurred yesterday, he asked

himself to what avail would it be, or what other result than to place this House in direct antagonism with so vast an amount of honest, earnest, patriotic sentiment throughout the country, and also with the common sense and the traditional respect, at home and throughout the world, which had so long been the heritage of their Courts of Justice. He was, therefore, of opinion that the hon. Member for Stoke had consulted the dignity of the House in declining to bring forward his Motion until a sufficient number of Petitions had been presented to educate the House on this question. He had been in America and in other countries on this subject, and he could assure hon. Members that this Tichborne Case—ignore it as they might—had attracted very considerable notice throughout the English-speaking world, and he lamented that it should be debated by the House in the temper which he had regretted to see manifested on a recent occasion. The jury never decided the question of his guilt or innocence at all; and therefore if the question were to be considered from that point of view, the case was entitled to the greatest consideration from the House. It was impossible to deny the assertion so often made that he had not had a fair trial; but he was sorry to say that from the present temper of the House he feared the question would not, or could not, be properly dealt with. There was, undoubtedly, a strong and growing feeling that the man was Tichborne; but, apart from that, there was a conviction that he had not had all the advantages in the way of defence which he ought to have had. The Lord Chief Justice himself had said there were grave doubts in the case; and on several occasions, addressing the defendant's counsel, he asked—"Have you considered what a disastrous effect, socially and morally, would follow if, after all that we have heard from these lords and ladies and gentlemen to the effect that he is not Tichborne, the jury should find that he is?"

MR. BULWER asked the hon. Member from what part of the Lord Chief Justice's Charge he had been quoting?

MR. WHALLEY replied, that he had not spoken of the Charge; but had said that the Lord Chief Justice on more than one occasion addressed the defendant's counsel in language to that effect. In conclusion, he would make an appeal

to Her Majesty's Government to devise some way to get out of the difficulty in which the question was now placed. If the object of those who demanded further discussion was to arrive at the truth of the case, that could best be done by a Select Committee, or by a Royal Commission, as prayed for in the Petition, and the Prime Minister knew how to set in motion such an inquiry. He knew also how to stop it when it was set in motion; for taking out of his (Mr. Whalley's) hands the appointment of a Committee on this subject last Session, the right hon. Gentleman did himself personally superintend the proceedings of that Committee; and when he (Mr. Whalley) brought before them charges and imputations against the Judges, as strong and specific as in the Petition they yesterday rejected, and offered to establish them, the right hon. Gentleman deemed it best for the Judges and for the credit of the administration of justice to stop the inquiry, and to cover up still more effectually the scandal, he did himself propose a complimentary addendum to the Report in favour of the Lord Chief Justice. Nor could that House say they had had no opportunity of discussing and repudiating those charges against the Judges, for he (Mr. Whalley) did himself attempt to raise such discussion. He read the Petition of his constituents, stronger in terms than that of Prittlewell, and after various devices resorted to by the friends, he presumed, of the Lord Chief Justice, the Government and the Opposition combined to count out the House. He, for one, was not afraid of inquiry or discussion, and he repeated what he stated last night—that if the Prime Minister would again appoint a Committee, he (Mr. Whalley) would, if permitted, substantiate the statements in the Petition of his constituents, substantially the same as those of the Prittlewell Petition; but if, on the other hand, the object of demanding further discussion was to discourage, by the expression of opinion by hon. Members here, the action of the public out-of-doors, he was disposed to believe that the hon. Member for Stoke exercised a sound discretion, and that it was alike for the interest of the public and for the credit of that House and for the honour of the country, that that question should not be submitted to so prejudiced and heated a tribunal until it

should have been further ventilated in public meetings. He had, however, attended no meetings, and was not responsible for the action of the hon. Member for Stoke. With reference to the evidence given before the Committee of last year, he would say that if there ever was a man who deserved to be disbarred, it was Mr. Hawkins. Ladies of rank in the neighbourhood of the Tichborne estate were prevented from giving evidence by his scandalous abuse of forensic licence. The Home Secretary had refused to attend to affidavits which he had placed before him, and the Secretary of the Treasury had declined to give explanations with regard to the £55,000 paid for the expenses of the prosecution. As he had said, the late Chancellor of the Exchequer had advised him, if he wished to raise funds for the Claimant's defence, to go about the country and solicit subscriptions. He did so, and he should be prepared, if necessary, to resume what had been termed his "mountebank operations," and to support the hon. Member for Stoke in his fearless agitation of this question, for the sake not merely of the Claimant, but of others who might be suffering from a miscarriage of justice. In two cases, he himself had at the last moment saved men from being hanged in consequence of a miscarriage of justice. He had now fulfilled his duty, and would only urge the House to grant the prayer of the Petition to which he had the honour of calling their attention, that they would recommend Her Majesty to grant a free pardon, or that there might, at all events, be a full investigation of all the circumstances of the case.

MR. ASSHETON CROSS said, that, as he was specially responsible for the advice which must be tendered to Her Majesty in all cases where persons were convicted of crime, he hoped the House would allow him to say a few words on this subject. It was not his intention, however, to follow the hon. Member for Peterborough (Mr. Whalley) in all the matters he had laid before the House on the present occasion. The hon. Member had undertaken to call attention to a Petition signed by Anthony Biddulph and others, praying for the pardon of Castro alias Tichborne. Now, although the House rejected a Petition last night on one particular ground, it

had shown by the expression of opinion it then made that it would not too nicely scrutinize the language in which Petitions were couched when it related to a grievance which ought to be brought under the notice of the House. With regard to the Petition now before the House, he had no objection to make to one part of its prayer; but he had an objection to make to the speech of the hon. Member for Peterborough, because, although the hon. Gentleman had undertaken to call attention to the Petition, he had not alluded to a single paragraph in it, and none of the allegations made by the hon. Gentleman as to this trial were to be found in the Petition, from one end to the other. The hon. Member opposite had entered into the question of the origin of the prosecution by the late Attorney General, to the trial before the late Lord Chief Justice of the Common Pleas, to the Government payment of expenses, and to the fact that the expenses of witnesses for the defence, though promised by the then Chancellor of the Exchequer, were not paid—although a large sum had been paid to the witnesses for the defence. The hon. Member also said he was told by the Government that he must go about the country, and that because he did so he was convicted in his absence for contempt of Court, and he and Mr. Onslow were punished for doing what they believed to be their duty. There was not a single word about these matters in the Petition. What the Petitioners did refer to was this. They stated a number of facts, or rather, alleged facts, and they said—"If facts like these should tell in the defendant's favour, they ought to be preferred to mere probabilities which tell against him." In effect they said—"If the law of evidence had been entirely changed and hearsay evidence admitted, the result might probably have been different." The Petitioners said—"The facts now mentioned by your Petitioners are only a few out of many which have come to light since the trial;" and then they proceeded to

"Pray your honourable House to advise Her Majesty to grant the defendant a free pardon, or, in the event of your feeling that you cannot accept all these statements as true merely on the assertion of your Petitioners, that you will advise Her Majesty to appoint, without delay, a Royal Commission to inquire into their truth."

For his own part, he strongly objected

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to a Petition praying that a Royal Commission should be appointed for the purpose of re-trying a case which had been heard by a Judge and jury. It was a proposition that could not be acceded to on any grounds. The hon. Member for Peterborough said that this case had not been tried by a jury, and that trial by jury was never intended to apply to a case extending over many months. Did the hon. Member think a Royal Commission would be much better? If the complaint were that the defendant had not been pardoned, he (Mr. Cross), and he alone, was responsible for the advice he had tendered to Her Majesty in this matter, and his hon. Friend knew perfectly well what course of action ought to be taken if, in the opinion of the House, he was wrong in giving that advice. He had paid attention to every Petition which had been presented in reference to this case. The hon. Member had stated that the defendant had not been treated in some particulars like other prisoners; but he (Mr. Cross) had invariably given directions that no difference should be made for or against that man in any shape, and that he should be treated in precisely the same way as other prisoners. If, on the other hand, the complaint was that there had not been a fair trial in the case, that the Judges and jury had been corrupt—that the Judges should be removed on account of the way in which the case was conducted—then, again, the remedy was plain. That House had stated that it would receive Petitions for an Address to the Crown to remove Judges; but he was bound to say that no Judges ought to be called upon to sit on the Bench and go on day after day administering justice while charges of the gravest possible description were hanging over their heads. It was our duty, if we had a charge against a Judge or any other person, to bring forward that charge directly with all our force—just as in a case of Privilege in that House, there must be no delay in bringing forward the case. He (Mr. Cross) must demand from the hon. Member for Stoke, if he meant to proceed with his Motion, that it be brought on immediately. He appealed to both sides of the House whether it was not the positive duty of the hon. Member for Stoke, if he was not prepared to proceed with that Motion, to take it at once off the Order Book of

the House. The hon. Member said he was not prepared, because he had not got Petitions in his favour; but he had no right to leave his Motion on the Order Book until he got Petitions. He ought to know that it was his bounden duty to take it off. If, eventually, he got Petitions, he knew perfectly well that he had the power of putting it on the Order Book again. He (Mr. Cross) maintained it was due to those eminent Judges who had fairly and uprightly tried this case, in whose honesty, fairness, and purity, he believed most heartily, and who deserved and, he believed, had the perfect confidence of the country, that the Motion should not be allowed to remain on the Order Book of the House, unless the hon. Member was prepared at once to follow it up. He did not think that he ought at the present moment to detain the House further, except to say that, if the hon. Member for Peterborough thought he (Mr. Cross) was wrong in having advised the Crown that a free pardon should not be granted in this case, he was perfectly ready at any time to be answerable for his conduct to the House if the hon. Member chose to bring it before the House.

DR. KENEALY: Sir, when I came down to this House this evening I did not intend to speak upon this question. I had not read the Petition which was presented by my hon. Friend the Member for Peterborough (Mr. Whalley), and it was only a few minutes before he brought on this Motion that I was first favoured with a view of it. I do not think it is a Petition that I could have laid great stress upon, and I candidly admit that it is open to some of the objections which have been raised by the right hon. Gentleman the Home Secretary. Nevertheless, this House has never been too technically fastidious about the language of Petitions, and I hope it never will be, because Petitions are the expression of the wishes of the common people, who are accustomed to express themselves in common language, and who should not be required to get a special pleader to draw them up. Now, Sir, the plain aspect of this country upon the unhappy Tichborne Case is perfectly unparalleled in the annals of our history. There is no more law-abiding people in the world than the English nation. There is no other nation in the world that from

long custom and from family recollections have a greater respect for the Bench than they have; but when we find millions of our English fellow-people, actuated by one strong and powerful impression that justice has failed to be performed at a late trial, certainly I think the matter deserves our most earnest attention. A statesman would look upon the present circumstances of our country with very great care. I have gone through the length and breadth of this land, through England, Wales, and Scotland—I have been summoned to various large localities, not by any desire or action of my own, but on requisitions made to me signed by thousands and thousands of people, all of which have been couched in nearly the same language calling upon me—[“Speak out!”] I would speak louder if I was able; but, unfortunately, I am not able. [“Oh, oh!” and “Order!”] My object must be to make myself heard by as many of you as there are here, and if I fail that must be my misfortune, not my fault. That language conveys only one universal idea on the part of the thousands of signers, that there has been a failure of justice in the late trial, that that unhappy man whose life has exercised the curiosity of the world for so many years has somehow or other been dealt differently with from all other prisoners that have been tried within human recollection. With regard to this point, I am sure a statesman might very well pause before he ventured to taunt the great common people with such opprobrious epithets of contumely and contempt as have been lavished upon our countrymen of late. If they are under a delusion, it is a delusion shared in by millions, and one that no statesman ought to pass by or can afford to despise. The more they are immersed in clouds of delusion, if they be ignorant and infatuated, as is falsely pretended, the more likely is their delusion to end in a terrible way. Therefore I say that to treat them as scoundrels and to treat them with scorn, is undoubtedly not the right way to deal with that large and mighty section of Englishmen. I have gone amongst these people. I have conversed with them. I have addressed them, and I have seen women weep, and tears in strong men’s eyes as they talked of that terrible trial. [*Laughter.*] Gentlemen may laugh, but it is true.

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I have seen such feeling pervading thousands of the masses as I have read have pervaded the masses previously to a revolutionary outbreak. I honestly and firmly believe that if one half the Members of this House could bring themselves to realize the spectacles that I have observed in the greatest centres of industry in England and Wales and Scotland, they would hesitate a very long time before they persevered in the course on which they now seem desperately bent. Gentlemen—[“Order, order!”]—I humbly beg pardon. I do hope the House will make allowance for a new Member. The right hon. Gentleman the Secretary of State for the Home Department has very pointedly addressed me to-night upon the question of the Motion which stands in my name. I did not have an opportunity last night of explaining fully to the House the reasons that persuade me that I ought as much in justice to the unhappy man whose claim I advocate as in justice to the House itself to postpone that Motion; and I certainly did not think when I sat down, without any opportunity of reply, that I should have been made the subject of so cruel and ungenerous an attack as was made upon me by the right hon. Gentleman the Member for Birmingham. The right hon. Gentleman made an allusion to my character as if it were a bad one. [*Mr. BRIGHT: You are mistaken.*] I am glad to hear that I misunderstood the right hon. Gentleman, and will at once retract the observation I made; for, to some extent, the right hon. Gentleman is deserving of gratitude at my hands. The House will remember that on the second night when I entered this House I gave Notice of my Motion. Everybody who knows me knows that I am not a man to give a Notice which I did not mean to follow up. I very soon saw, however, that for reasons which I could not and cannot understand, I was treated as a sort of Pariah or outcast in this House. I am not ashamed to say that I stand on an equality as regards honour with any man in this House, and therefore I do not deny that I felt most keenly the treatment which I thought so ill-deserved. No man has undergone a more terrific ordeal of revengeful punishment than I have. I have been expelled from my profession—turned out of it, as if I had been guilty of crime. I have been

ruined at a time when I have no means of recommencing another profession, and that solely on the ground, as was alleged by my persecutors, that I was connected with a newspaper which they do not admire. Upon my professional honour in the course of the trial my bitterest enemy had not dared to lay his hand; and I may well complain that for an offence which I consider no offence at all I have been driven an outcast from society—I will not say in my old age, but at a time when it is impossible to recommence life. Sir, I saw the feeling against me that pervaded this House when I entered it, and there was a full and mighty manifestation of the same feeling last night. I had not been more than two or three days in this House when the hon. and learned Member for Poole (Mr. Evelyn Ashley) denounced me before his constituents as a man guilty of the basest crime, as one who had called a witness whom I knew to be false, and then I demanded redress from the House, and you know what I received. Again, a fortnight or so ago two hon. Members got up at one of their farmers' dinners in Stafford, and one of them said that I was in the House of Commons, but that I was such a character that I would not be admitted into any London Club. Another hon. and learned Gentleman, a member of my own former circuit, said that I was expelled from the Bar, because I was a disgrace to it. If I or those who may be said to represent my views are a little intemperate when language of that kind is used with reference to me, I think some little consideration might be shown me, bearing in mind that I never alluded to one of those three hon. Members in my life so as to justify them in dragging me before the public as they did. Last night an hon. Gentleman whom I never saw before got up publicly in this House of Commons, and charged me with going about the country diffusing palpable lies, and no hon. Member called him to Order for it. I sat and listened to it with silent scorn. You, Sir, of course, as the guardian of the dignity of this House, felt it your duty to do so, and the hon. Member retracted, but did not apologize. With insults such as these heaped upon my head without any provocation—["Oh, oh," and *Laughter*]
—with insults such as these, sanctioned and re-echoed as it were by Gentlemen

such as are now applauding these sentiments from day to day, how can it be expected but that I should make some sort of reply? Why should I be taunted because I do not bring this unhappy man's case before this Assembly? If I do not receive common justice from some hon. Members here, how can I expect this man, against whom a lowering crowd of prejudice presses, will receive justice when I simply advocate his cause? It is not merely for my own sake, but his, that I postponed that Motion. I entered this House with the greatest reverence and veneration for all its ancient traditions of glory and honour. I am anxious that there should be no impairment of those illustrious traditions; but if I bring that man's case now before this Assembly, which I hope will pardon me for saying is prejudiced and prejudging, what will be the inevitable result? Why, that I should make a lamentable failure. As far as I know, I can never twice bring before the House the particular Motion which I mean to place before it. [Mr. BRIGHT: Not in the same Session.] The right hon. Gentleman tells me, not in the same Session; but with the greatest respect and deference to him, I fancy if he knew what my Motion was, he would not doubt the observation which I have made. I myself feel confident that I never can bring it forward a second time, and if I cannot do so, what a terrible load of responsibility will be upon me! Should I then depart from that which, in my own conscience, I believe best for the man, and lose a chance which once lost is lost for ever? I feel confident I shall be beaten. I feel equally confident that the people of England will not accept that defeat. But I feel as sure as that I stand in the presence of this illustrious Assembly that the morning that follows the rejection of my Motion will carry dismay through England. [*Ironical cheers and laughter.*] Sir, Nero fiddled while Rome was burning, and I have heard and read of statesmen who danced upon volcanoes. I know there is a volcano in this Kingdom which may merge it at any moment in utter fire and ruin. Therefore I repeat what I said, that the morning which follows the rejection of my Motion will carry dismay and rage throughout the United Kingdom. What will be the result of that dismay and rage? Will it

be to elevate the character of this great Assembly in public opinion? Will not the great masses of our countrymen say that, as the Court of Queen's Bench, which tried this man, prejudged his case, so the House of Commons prejudged his case also, and I do not envy those hon. Members who are chary, and rightly chary, of the glory and honour of this House, if they are prepared to accept an alternative such as that. I can tell them it is perfectly sure to come. I can tell the House that upon this subject the people of England are determined and serious beyond all other subjects that ever I saw; and if I am appealed to by thousands and thousands of our countrymen, if I am summoned by requisition to all the great centres of industry in this Kingdom, I shall be compelled to tell them the reception that I have met with here. I shall be compelled to give them my real opinion, that this House met to adjudicate upon a case which it was determined to reject; that this House had apparently set its mind, and was determined to listen to no reason, no argument, but was resolved to let a prisoner die in Dartmoor without redress. I may be wrong in that impression; but the result of the debate on my Motion will make the world know whether I am right or wrong. If, under these circumstances, the right hon. Gentleman the Home Secretary and the statesmen near him think that the honour and reputation of this House will be sustained by my bringing on that Motion, I am ready to bring it on whenever they please; I am as prepared now as I was on the second day of my entrance; but I respectfully warn hon. Members to beware of the consequences of its rejection. ["Oh, oh," and *Laughter*.] They may laugh, they may sneer—[*Increased laughter*]*—they may indulge in such an ebullition of feeling as they now exhibit, but I wash my hands of the consequences. I shall now address myself to the Petition before the House. Paragraph No. 3 says the Lord Chief Justice testified that most of the witnesses were respectable people, and so forth. With respect to that, it is contrary to true law—not sham law or Judge-made law—that the Judges should give suggestions to the jury on evidence. It is a maxim as old as Magna Charta that the jury shall act on matters of fact, and the Judges on matters of law. When a*

Judge goes beyond that, he travels out of his province and usurps the province of the jury. If, therefore, it be substantiated before a Commission or any other tribunal that the learned Lord Chief Justice has, in this case, mainly relied upon supposition and hypothesis, I say that that alone justifies the interference of the Home Secretary. I want, therefore, to know if the right hon. Gentleman thinks this case differs from others, when, upon information received subsequently to conviction, he has become persuaded there has been a failure of justice and advised the Crown to remit the sentence. All I ask of him in the present instance is, that he should set his mind to think if it is possible that so many millions of the people of England can be mistaken in their views of the case, and if it would not be advisable for him seriously, cautiously, and carefully to investigate, with the view that he may at once satisfy his own conscience, and at the same time satisfy the reason and judgment of so many millions of his fellow-countrymen. The people of this country are not the only people who are dissatisfied with the result of this trial. The people of Germany almost unanimously believe that the Claimant has not had a fair trial. This fact is one of great concern, for in all matters of jurisprudence there are no people more competent to give a reliable opinion than the people of the great Teutonic nations. If they then have made up their mind that justice has not been done, it is a serious matter to take into consideration. A short time since the Countess De Civry was brought to trial, and after careful investigation, convicted by a jury, but subsequently the right hon. Gentleman became convinced that that lady had been wrongly convicted, and advised Her Majesty to grant her a free pardon. If then a jury such as that—for nowhere can you get better juries than in the City of London—was wrongly convicted after an investigation of only 24 hours, the right hon. Gentleman can hardly with much force throw in my teeth the verdict of the jury in the case to which this Petition refers. The 8th section of the Petition states that 18 witnesses were examined at the trial who swore that they saw and knew both Orton and Castro in Australia, and that they were distinct individuals, while only one wit-

ness was examined to prove that Orton and Castro were one and the same person, and that since the trial that witness has been convicted of bigamy and sentenced to six months' imprisonment. I always understood that the sentence passed upon that man was one of 12 months' imprisonment, and therefore I am surprised at this allegation in the Petition, that the sentence was only for six months; but the mistake is probably owing to the fact that the right hon. Gentleman, for some reasons which have not been made known, has remitted one-half the man's penalty. Another witness from Australia who swore that Orton and Castro were the same is Mrs. Jury, and she has since been convicted of robbery and sentenced to six months' imprisonment. Here we have two important facts stated—that two of the most important witnesses for the prosecution, and who were complimented both by the counsel for the prosecution and by the Lord Chief Justice as witnesses of value and respectability, have turned out to be fit occupants of one of Her Majesty's gaols. I would have thought that facts like these would have weighed with the Home Secretary, who has had more judicial training and more legal training, as everyone who has read his excellent book on law must be constrained to admit, than any of his predecessors in that high office. The 15th paragraph of this Petition states that Dr. Wheeler, a surgeon in the Navy, who was absent from this country at the time of the trial, has made an affidavit that he knew both Castro and Orton; that the latter wore earrings and was pockmarked, and that he admitted he was a ticket-of-leave man, and had been convicted of horse-stealing, thus confirming an important part of the evidence. Again, it states that it has been sworn that at the age of 18 Orton was 5 feet 9 inches high, while the prisoner is only 5 feet 9 inches at the present time. The 24th paragraph of the Petition is the only other portion of it to which I would now refer. The great and powerful point laid hold of by the prosecution was that no man of the *Osprey* ever turned up to confirm the story told by the Claimant; but it was most conclusively proved that a ship called the *Osprey* did bring a shipwrecked crew into the port of Melbourne, and it is just as reasonable we

should doubt the existence of the *Bella*, because no person connected with that vessel had turned up, as that we should doubt the existence of the *Osprey*. In conclusion, I have to thank the House for the attention with which it has listened to me, and I most cordially join in the prayer of the Petition, that the right hon. Gentleman the Home Secretary will either himself re-consider the case, or else issue a Commission to ascertain if the country has been guilty of the awful crime of punishing an innocent man. I am certain that if he can bring his mind to the conclusion that this is a matter for deep and serious investigation, and that if after going through that investigation he comes to the conclusion that justice has not been done, he will release this man, he will do an act which will crown his name with honour, not only in the present, but in the future, and which will earn him an undying title to the regard of his fellow-countrymen such as no other statesman ever enjoyed.

MR. BRIGHT: Perhaps, Sir, I may be allowed to make a little explanation. The hon. Member for Stoke has used language which showed that he had been somewhat pained by the observations I made last night. I observed to him at the time, sitting close to him, that he was entirely mistaken in the impression he had formed of what I said; but another hon. Member of the House has since told me that, having read one of the reports in the papers, he had come to the same conclusion. I have not read any of the reports, and do not know exactly what the error was; but what I intended to say last night was this: that if a Member of this House had made charges—and I refer to charges like those made by the hon. Member, and embodied in these Petitions, against the Judges—had brought forward a Motion and postponed it from day to day, and had given no intimation of when he intended to bring it forward, that, in the interim, by the various means at his disposal or supposed to be, he was exciting strong feelings amongst the public, or a portion of the public calculated, as I said, to destroy their confidence in the administration of justice, which I hold to be a great misfortune, and he failed to bring forward proofs and refused to substantiate charges, then in that case he himself would be guilty of conduct

not less criminal than that which he charged upon the Judges. Now, Sir, up to this time, if the hon. Member were now to fix a day for his Motion I should not condemn him for having for a very undue period put off the proof which he has offered to the House; but, if it is deferred, I think I am entitled to say that the hon. Member is not doing that which he can reconcile or commend to himself, and I am sure he is not doing that which will be commended by the great body of his countrymen. Now, I have not—I take the House to witness if I have—said a word against the hon. Member for Stoke. I am conscious, as he is conscious, that he came into this House, and has been in it under unusual difficulty, and I have felt that it was my duty, as it was entirely my inclination, to greet him with all the respect that is due to the Representative of a great constituency and a Member of this Parliament. Sir, the hon. Member has moved a little, as I think, in his observations, from the position which the House understood him to occupy last night in this way. He has conveyed to the House to-night that his Motion would be directed especially to the case of the person whom he defended in the late trial, and that his object would be to induce the House to induce the Government to take some steps for re-trying the case, or for liberating the convict from his confinement. If that is all, it would not matter very much whether the Motion was brought on now or a month hence. [Dr. KENEALY: I was only referring to the present Petition.] I beg pardon; what I said was based upon the postponement of the original Motion. All I am urging is the great harm done to the public and the great injustice done to the Judges, if the charges against them are insisted upon, should an unnecessary delay be allowed to take place before an attempt is made to substantiate the charges. Now, I must beg the hon. Gentleman and the House to recollect, what he must be conscious of, that, whatever these charges are, whether they are true or false, they can receive no kind of support, by way of evidence, from the Petitions which will be presented. The Petitions may come in in great numbers, they may show the strength, or it may be the universality of the belief that the charges are true, but the House, when it comes to decide

the question, will not decide upon the averments in the Petition, or of the belief of the petitioners, but upon its own consciousness of what is right and just, having heard the statement of the hon. Member and of any others who may support him, and the statements of other hon. Members which may be made in opposition to his case. Therefore, so far as the charges against the Judges go, the fact of the Petitions not being presented which may be expected—it may be during the next three months—is no kind of answer to the claim that the charges should be proceeded with and the question be determined. Sir, the right hon. Gentleman the Home Secretary in his speech to-night has made an appeal, as I made an appeal, to the hon. Member for Stoke, urging that this question of the character of the Judges should be brought to issue at some early period, and I will ask the right hon. Gentleman if he cannot undertake to say that an early day, whatever day may be convenient to the hon. Gentleman the Member for Stoke, the Government would give him one of their days, in order to discuss what he may be prepared to bring forward. I tell the hon. Member with the greatest sincerity—and I hope he will believe it—that I make this appeal to him with no feeling of opposition to him, or with the view of putting any difficulty in his path in regard to anything that is honest and right, but it is because I am sure that in all parts of the country where statements that I think are incorrect, and unjust, and exaggerated to an extraordinary and incredible degree, are made to thousands of persons who have no fair opportunity of correcting them from their own investigation and their own knowledge, a great and real injury is inflicted upon the Commonwealth. The hon. Gentleman is not callous—he cannot be callous to the appeals which are made to him in this House to bring forward the Motion which stands in his name on the Paper. His speech to-night has been one which must show to the House how much it might gain if the hon. Gentleman abstained from some things which we think extravagant and ill-advised, and devoted himself to the public service and the service of his constituents as a Member of this House. His speech is one to which I have listened with great interest, and it only

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leads me to lament the more the course which he has taken under the aggravation to which he points, an aggravation which will justify great allowance for him. I say I am only sorry that he should not be able to get rid of, if it were possible, the sense of injury under which he acts, and become one of the 650 Members of this House who in the main, I believe, are honestly endeavouring to do their duty to those who send them here and to the country at large.

MR. WADDY said, he should be one of the last persons in that House to complain of the good faith or of the good intentions of the hon. Member for Peterborough (Mr. Whalley), or, in some respects, perhaps, even of the hon. Member for Stoke; but when the hon. Gentleman complained of his treatment in that House, and described himself as a martyr or a Pariah, he (Mr. Waddy) desired to state broadly and boldly, and in the most uncompromising manner, that the treatment which he had received was far kinder than he had any right to expect, considering the language to which he had committed himself with regard to that House before he came into it. There was a Paper pretty well known with which the hon. Member's name was indissolubly connected; and sooner or later it might perhaps be the duty of some hon. Member to ask the hon. Member for Stoke, whether it was with or without his consent that, week after week, it was publicly stated that *The Englishman* was edited by himself, and whether or not it was true that a paper containing the most scandalous statements with regard to hon. Members of that House and which bore his name was, in reality, edited by a Member of the British House of Commons? It was all very well in the presence of the Speaker to speak "with bated breath" and in reverential terms of that House. Of course, one would not pretend to doubt the perfect sincerity of the expressions now used; but what was the language published in connection with his name a short time before he entered the House? In a letter stated to have been addressed by himself to the people of Manchester, and signed Edward Vaughan Kenealy, there occurred this passage—

"We have no man in Parliament with courage enough or knowledge enough to meet the Speaker when he dares to say that he will not receive the Petitions of the people. We have no man to

complain of the violated laws and outraged institutions of our once free country. Everything in that House and in the newspaper Press savours of falsehood, bribery, servility, and corruption, and I can hardly conceive any great nation that has sunk into a more degraded condition than we have. To stem this torrent which seems likely to sweep us all away headlong is the object which I have now in view. I wish to arouse the whole Kingdom to a just indignation at the conduct of the three Judges, of Cross, and of Brand the Speaker. I wish to test whether the old English spirit still survives."

On the same page the House of Commons was spoken of as—

"A House of corruption, bowing down like a body of footmen, or spaniels, or beaten, frightened curs before Speaker Brand, when he dared to refuse Petitions from Englishmen, contrary to the Bill of Rights and all our ancient laws from time immemorial."

He (Mr. Waddy) ventured to think it was not with the best possible grace that the man whose hand, at all events, presumably, penned those passages should come to that House two or three weeks afterwards and complain that Members were not over anxious to associate with him. Still, let it be said that when any hon. Member came into that House, however far he might have forgotten himself before, it was their duty and their practice, until he challenged their memory, to try and forget what he might have said before his election. Therefore, with that reminder of what might have slipped the hon. Member's recollection, he passed to the Petition he wished them to deal with. It was a Petition, the purport of which was that a man who, on the statement of his own case, was disbelieved by one jury—and, on the statement of the case against him, was convicted by another jury—who, on the statement of his own counsel, was a man whose imposture, assuming it to have been one, was almost the most venial part of his character—that that man having been at last safely committed to prison, the House ought to be called upon to recommend Her Majesty to let him loose on society. Not that there had been any slip or mistake in the trial, but that, without any fresh trial, that man should be pardoned and released, for some reason which he had not yet been able thoroughly to comprehend. The only reason given for it that night was the somewhat strange one from the logical mind of the hon. Member for Peterborough, that the man should not have been convicted, because his trial took so long a

time. According to that argument, no criminal, however vile or guilty, if he could call one or two hundred witnesses, could ever be convicted, because his trial would last so long. Those who, for reasons best known to themselves, had been agitating the country, could not have a *bond fide* expectation that that sentence would be reversed without rhyme or reason. The hon. Member for Peterborough told them the House was responsible for the excitement and the uncomfortable feeling abroad in the country in regard to the convict Orton; while the hon. Member for Stoke said there was a flame in the country which they ought to take care not to spread. Did that language come well from the lips of the firebrand, and were they to be asked to do what they verily believed to be contrary to justice, in order that the flame, which he had done his best to kindle, might be allayed? [*Cheers.* Mr. WHALLEY: Oh, oh!] He was delighted to find there was actually one man besides the hon. Member for Stoke who disagreed with him (Mr. Waddy); but he was also delighted that the majority of Members of that House would agree in opinion as to who was chiefly responsible for setting the country aflame. Somebody was to blame for this, and the man was he whose voice they had heard in the House that evening; because for a long time past, by such means as he had already mentioned, that man had been permitted, unfortunately without contradiction, to set on foot and keep on foot throughout the length and breadth of the land a system of mis-statements, exaggerations, and slanders that was perfectly shocking to every right-minded person. [Mr. WHALLEY: What are they?] He had not the slightest objection to describe them, though if he did not feel that the matter was becoming too serious to be laughed down, he would not help to give notoriety to the slander, ribaldry, and rubbish which were to be found in that wretched publication. Was it a right thing that there should be published from week to week a print in which the Judges of the land, the Speaker of the House, hon. Members on both sides, anybody and everybody who did not happen to take the fancy or suit the taste of one particular person, should be constantly slandered in the most vulgar, scurrilous, and defamatory style? [Mr. WHALLEY: Why do you

not prosecute him?] That was not a question for him (Mr. Waddy) to answer, but if the hon. Member only exercised ordinary patience he would find that he was going to ask it. If he were asked to say how this excitement and confusion were produced in this country he would direct attention to this notice in *The Englishman*—

"Let no time, therefore, be lost in organizing the great Hyde Park demonstration, and the meeting of delegates. Let not an hour be wasted in preparing and signing Petitions."

In the same print, a late Member of that House, now one of Her Majesty's Judges was constantly called by a nickname that was intended as an imputation of fraud and forgery; three of Her Majesty's Judges were almost incessantly defamed; Her Majesty's Solicitor General was treated with contumely and insult; the right hon. Gentleman who had spoken last was treated in the same style, and, indeed, no reputation was sacred enough to be respected. While all that went on unchecked, no wonder there were confusion and trouble in the country. He had said almost everybody was defamed; but he must do stern and strict justice. There was one remarkable exception. The volume he held in his hand, which would appear to be written by one person, contained the following:—

"A man so highly gifted, and uniting in himself numerous accomplishments of the highest order, to an undaunted courage and a generous philanthropic disposition, will not find his equal in the whole of that Assembly at St. Stephen's. Deeply learned in the knowledge of the Constitution, it will be hard to point out a rival to him in this respect; experienced as a lawyer, he has taken the highest honours of the Bar; as an orator, impartial scholars have pronounced passages in his ever memorable speeches during the great trial to be equal in sublimity of thought and refinement of expression to the loftiest efforts of Burke or Chatham; as an editor, by the very power of his name, he has obtained such a circulation for his journal as was never before attained in the same space of time; as a poet, he has supplied materials for the productions of a whole host of fledglings that now appear among us; as a linguist, it would form a long list only to mention the names of the languages he is the complete master of. To write a most beautiful stanza in English, to translate it into Welsh, Irish, French, Latin, Greek, and Hindustanee, is to Dr. Kenealy one of the easiest of all tasks. Most of the editors of the daily papers would be inflated with unendurable conceit if they only knew as much of literature as the learned doctor has forgotten—the very remnants of his garments would make them a splendid suit of clothes in comparison with which their present attire would seem beg-

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gaily. Such is the man, then, those noble Englishmen have returned for Stoke-upon-Trent, undaunted by the spleen of a Lord Chief Justice."

There was much more of the same sort, but he really could not go on with it any longer. The serious part of the matter was, that it was believed by hundreds and it might be thousands of deluded people; and that alone made it worth while to quote such rubbish in the House of Commons. How long was that kind of warfare to continue? Not only were the acts of public men challenged, but the attempt was made to deter them from doing their duty and make them wretched by threats of dragging into public light the absurdities or the follies of their earlier days. Weapons were brought to the work of journalism and the strife of politics more like the scalping knife and the tomahawk of the savage than anything else; and if publicmen did what they thought to be their duty, they were to be reminded of "domestic circumstances." If a public man did not choose exactly in all ways to bow down to the editor of that odious publication, there was to be something discovered in some strange and unheard-of fashion, or invented, which should do duty to bring him into discredit. It had even been said—he did not know, or care to inquire, how truly—that some of those who were attacked in that print, and of whom stories had been narrated or darkly hinted, were unwilling to come and face the light of day, because those stories might have been based perchance on something or other that had been extracted in hours of friendship in bygone days. If that were true, these slanders were written by a hand which had received benefits from the very man on whom he tried to heap ignominy and disgrace. But if it were true, he believed every one in that House would join him in saying that in comparison with that infamy even falsehood itself was venial. The hon. Member for Stoke said he should postpone his Motion for a time until he had received more Petitions. By what means? By continuing to spread this poison throughout the country? It was more and more necessary, therefore, for the House to insist on the Motion being brought forward. It was no longer the case of the wretched convict Orton; it had not been the case of the wretched convict for some time past; it was the

case of those to whom they were accustomed to look up to with honour and reverence. In conclusion, he should ask two different questions from two different people. First, he would adopt one remark of the hon. Member for Peterborough, and he would turn to the Government Bench and ask "Why do you not prosecute?" He affirmed distinctly that the country expected it, and said it was high time. In this country people might go on for a time trampling decency under foot, but a time must come when a snake, however contemptible a snake, deserved to be killed. In the name of the country, of justice, and of everything dear to England, he called upon the Government to bring it to a short and speedy issue. There should be a criminal information filed against the person responsible for the abominable slanders and the wretched defamations of character of which there seemed to be no end. And, in the last place, he would ask a question from the hon. Member for Stoke. For any high-minded Englishman and a Member of the House of Commons to submit to have his name connected with these vile, scandalous libels was almost incredible; and while he hoped the Government would take speedy action in the matter, the House of Commons was entitled also to call upon one Member to say aye or no "Have we among us the man responsible for this vile work?"

CAPTAIN NOLAN said, as one who had endured a criminal prosecution himself, he begged the House, under the spell of the burning speech to which they had just listened, not to order a criminal prosecution. He believed the hon. Member had greatly exaggerated the feeling of the country; and he therefore asked the House not to be hurried away or to rush into such a false step as that suggested by the hon. and learned Member for Barnstaple—such a proceeding must have a very bad effect in any case.

MR. MACDONALD said, he had heard the speeches of the hon. Member for Stoke last night and that evening, and he yet shrank from attempting to substantiate those charges which, left as they were, must be felt by every right-thinking man in the country as offensive—to wit, against the Judges of the land and the administration of the law of the land. To defame that House would be

a trifle. To defame the Crown would even more be a trifle, by comparison, in his (Mr. Macdonald's) estimation; but the law of this country was that which bound one man to another—which gave us repose and confidence the like of which no other country possessed. Men who went about defaming those institutions so sacred were guilty of the vilest offence known in the country. Not a moment should be lost in proving such charges to be true or false. If true, let them be established; and if false, as he believed they were, let no more be heard of them. He knew the people of the country as well as the hon. Member for Stoke—his (Mr. Macdonald's) knowledge was not based upon an imaginary grievance, but extended over 25 years—and he affirmed positively that no such feeling as the hon. Member had described was in existence. Let them have the “abyss,” if there was one. He did not fear for the effect of the slanders on high and upright persons, but he did fear that the law and the administration of it might be brought into contempt by such writings as the hon. and learned Member for Barnstaple (Mr. Waddy) had read to them. He read in the paper the other day a speech of the hon. Member for Stoke, in which he said that on his arrival in the House 300 Members would cry out at his terrible presence. When he did come, however, nobody appeared to be frightened or alarmed; but now the hon. Member was here, he called upon him to bring forward his charges. If he did not bring them forward, then the Government must take some strong step to give to the people a feeling of confidence that they should not tolerate these slanders any longer.

Mr. STAVELEY HILL said, he must deny that he had used some of the expressions which the hon. Member for Stoke had imputed to him. As a Member of that House—and he was sure that those who felt most strongly with regard to the hon. Member's conduct were animated by the same sentiment—he desired that there still might be a *locus penitentiae* for the hon. Member. He hoped that the advice of the hon. and learned Member for Barnstaple (Mr. Waddy) with regard to a criminal prosecution would not be accepted, and in that view, he would appeal to the hon. Member for Stoke to leave the course which he had pursued, to aban-

don the phantom idea he had taken up, to endeavour to occupy in that House the position of the Representative of a great constituency, to employ his talents for the honour of his country, and not to force Her Majesty's Government to that which would be so deeply to be regretted—the criminal prosecution of a Member of that House.

Motion, by leave, *withdrawn*.

Committee deferred till Monday next.

MUNICIPAL CORPORATIONS (IRELAND)

BILL—[BILL 41.]

(Mr. Ronayne, Mr. Butt, Mr. Bryan.)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [23rd March], “That the Bill be now read a second time.”—(Mr. Butt.)

Question again proposed.

Debate resumed.

SIR MICHAEL HICKS-BEACH said, it had been his duty to look at the whole question, of which a part was raised by his Bill, and he was very doubtful whether the course proposed of assimilating the municipal law of Ireland to that of England not only with regard to administrative details, but also with regard to the franchise, was the best mode of dealing with it. The Irish Municipal Reform Act of 1840 had extinguished many old corporations, leaving but 10 in existence. In the 35 years that had since elapsed, only one other town had obtained a municipal charter; yet, if this Act had been really adapted to the requirements of the country, surely other large and growing towns would have followed this solitary example. They had, however, preferred to place themselves under the provisions of the Towns Improvement Act of 1854. The franchise under this Act appeared to be of a more popular character than the municipal franchise; a protection to owners of property being secured in municipalities—except Dublin—by the high franchise of £8 value, and in towns under the Act of 1854 by the limit fixed by that Act on the rating powers of the Town Commissioners. Objection might be taken to both of these provisions; he went so far with the hon. and learned Gentleman the Member for Limerick as to say that to maintain the municipal

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franchise at £8 was not satisfactory, and to limit the rates which might be levied in towns might prevent their governing bodies from efficiently carrying out those objects for which they were appointed. Neither party in Ireland seemed to be satisfied with the working of the existing Municipal Acts; but the Bill of the hon. and learned Gentleman merely touched upon the fringe of the question, and in no way dealt with the government of towns, but provided that they should appoint their own sheriffs and their own clerks of the peace. There might be no objection to this proposal in itself; but as he believed—and the various Bills that had been introduced upon the subject confirmed him in the opinion—that the operation of the whole law relating to town government in Ireland required investigation, he did not think it advisable that the House should adopt a proposal which dealt with only a small portion of that law, and for which there was certainly no urgent popular demand. On the contrary, if the offices in question were to be dealt with at all, it seemed doubtful whether they might not be abolished; for if the recent recommendation of the Committee on the Jury Law were adopted—that the jury lists of the towns and of the counties should be fused—there would not be any occasion for town sheriffs to form the jury panels; while as regarded the clerks of the peace, the law with respect to their appointment, whether in counties or in towns, would, he hoped, soon be considerably modified. He hoped that the result of an inquiry by a Select Committee such as that he would propose as an Amendment to the Bill of the hon. and learned Member would, within a reasonable time, enable Her Majesty's Government to settle the municipal government of Ireland on a more uniform and satisfactory basis than at present. He begged to move, as an Amendment to the Motion for the second reading of the Bill, that a Select Committee be appointed to inquire into the operation of the several Acts relating to the municipal government of Ireland.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the operation in Ireland of the following statutes: 9 Geo. 4, c. 82, 3 and 4 Vic. c. 108,

and 17 and 18 Vic. c. 103, and the Acts altering and amending the same, and to report whether any and what alterations are advisable in the Law relating to the Local Government and Taxation of Cities and Towns in that part of the United Kingdom,"—(*Sir Michael Hicks-Beach*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. POWER moved the adjournment of the debate.

MR. BUTT hoped the Motion would be agreed to. He objected to discuss the re-actionary policy of the Government at 20 minutes to 1 in the morning, and some hours at least should elapse before the right hon. Baronet should strangle the liberties of Ireland by obtaining the assent of the House to his Motion. The right hon. Baronet's proposal had for its object the extinction of all municipal privileges in Ireland, and contained the denial of the demand of the Irish Members for an equality of municipal rights in the two countries. He (Mr. Butt) maintained that the Government were pledged to pass the Bill, and that it was something very like a breach of faith on the part of this right hon. Baronet to bring forward such an Amendment as that proposed.

SIR MICHAEL HICKS - BEACH said, he would not object to the adjournment of the debate; but believing that this subject ought to be fully investigated by a Select Committee, he was anxious that the inquiry should be commenced as soon as possible. The adjournment of the debate would, he feared, much delay the settlement of the question; but the responsibility for that delay would rest with the hon. and learned Member for Limerick and his Friends. He simply objected to the Bill, because he believed further inquiry to be desirable. He further had to complain that the intentions of the Government on the question had been grossly misrepresented by the hon. and learned Gentleman, and must emphatically state on their behalf, that they had no intention whatever to interfere with the existing rights or privileges of the municipal corporations in Ireland.

THE MARQUESS OF HARTINGTON regretted the course which the Government had taken with regard to the Bill and thought it would not tend to exalt

the estimate of the proceedings of that House which was formed by the Irish people. In proposing a Select Committee, after the consideration the measure had already received, he was afraid that the Select Committee was proposed simply for the purpose of defeating the Bill. He therefore supported the Motion for the adjournment of the debate.

Motion agreed to.

Debate adjourned till Thursday next.

WAYS AND MEANS.

Resolutions [April 15] *reported and agreed to*:—Bill *ordered to be brought in* by Mr. RAIKES, Mr. CHANCELLOR of the EXCHEQUER, and Mr. WILLIAM HENRY SMITH.

WAYS AND MEANS.

Considered in Committee.

(In the Committee.)

Resolved, That, towards making good the Supply granted to Her Majesty for the Service of the year ending on the 31st day of March 1876, the sum of £15,000,000 be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported upon *Monday* next; Committee to sit again upon *Monday* next.

LOCAL AUTHORITIES LOANS BILL.

On Motion of Mr. CHANCELLOR of the EXCHEQUER, Bill to amend the Law relating to Securities for Loans contracted by Local Authorities, *ordered to be brought in* by Mr. CHANCELLOR of the EXCHEQUER and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time. [Bill 123.]

BISHOPS RESIGNATION ACT PERPETUATION BILL.

On Motion of Sir HENRY SELWIN-IBBETSON, Bill for making perpetual "The Bishops Resignation Act, 1869," *ordered to be brought in* by Sir HENRY SELWIN-IBBETSON and Mr. Secretary CROSS.

Bill *presented*, and read the first time. [Bill 124.]

INTERMENTS IN CHURCHYARDS BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend and declare the Law of Interments in Churchyards in England and Wales.

Resolution *reported*:—Bill *ordered to be brought in* by Mr. J. G. TALBOT, Mr. HEYGATE, and Mr. MAJENDIE.

Bill *presented*, and read the first time. [Bill 125.]

House adjourned at One o'clock, till Monday next.

The Marquess of Hartington

HOUSE OF LORDS,

Monday, 19th April, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Exeter Union of Benefices * (58).
Committee—Indian Legislation (46-59).
Committee—*Report*—Building Societies Act (1874) Amendment * (43); Local Government Board (Ireland) Provisional Orders Confirmation * (45).

GREAT BRITAIN, AUSTRIA, AND
FRANCE.—TREATIES OF VIENNA (1815)
AND PARIS (1856).

ADDRESS FOR COPIES.

LORD CAMPBELL, in moving an Address for Copies of the Treaties of Vienna in 1815, and of Paris in 1856, said: * My Lords, I have just suggested to my noble Friend the noble Earl (Earl Russell), who rarely comes among us, that he should take precedence with his Notice upon Germany and Belgium; but as he does not wish to do so, although the House may be in some degree impatient to hear what falls from him, or the Government upon that question, they will not, I trust, accord to me a less indulgent ear than otherwise they would do. My Lords, I readily admit that the Treaties, for Copies of which I am about to move, by adequate research might possibly be found without the intervention of your Lordships. They might, perhaps, be scattered in a collection of State Papers, or in a mass of guarantees for which a noble Marquess opposite moved some years ago. I shall therefore feel bound to explain in a few words the political idea or aim with which the Motion is brought forward. Should we be compelled soon to act upon the Eastern Question, now revived, in consequence of our engagements or our objects, Austria would appear to be the sole ally we are enabled to invoke with any prospect of advantage. France would no longer be depended on as formerly. Her wounds are too fresh, her powers too exhausted, as some think, even her resentments too absorbing. Neither the German Empire nor Italian Kingdom are bound by any treaty to come forward. Spain has never been accustomed yet to mingle in the controversies which relate to the subversion, or defence of Ottoman authority, and few would judge her now at

liberty to do so. Austria on the other hand is bound—and this in a few minutes will be clearer—by a regular and formal guarantee to act with us upon the subject. She has a population of 35,000,000, and an army in proportion to it. The wars of 1859 and 1866 have been disastrous to her. But how many disastrous wars has Austria formerly survived? To what Power may you apply with so much fidelity the well-known expression—

“Adversis rerum immersabilis undis.”

Since 1866 also she has been in a great degreere-organized, by that distinguished man (Count Beust), to whom it has fallen as a lot, to perform the greatest things, under the greatest disadvantages. My Lords, if that view is just, the step which Austria is alleged to be on the verge of taking, as regards Servia and Roumania, is deeply interesting to this country, because it would involve a final bar to all co-operation for the maintenance of Turkey. It would range Austria too completely with the adversaries of that Power, to leave an aptitude for union with its friends. The step to which I have referred, tends briefly to detach the Danubian Principalities from the Empire they belong to. This is not the moment to go into the train of reasoning by which that proposition is established. It is certain to present itself at once, to every mind conversant with the subject. How could Austria be invited to repair an infraction in the general arrangements of 1856, when the infraction sprang directly from the measures she had taken? How could she escape the new, although illicit, ties she would have recently contracted? With what dignity could Great Britain invite her to maintain a cause she had so openly determined to abandon? A barrier between Great Britain and Austria on the Eastern Question would spring up, would be matured, would be reciprocally felt, and neither Power could surmount it. It is, therefore, worth while to exhaust every method of, as it were, reclaiming Austria before the deviation is a final one, which any day it may become. Although the facts are not of the same magnitude, the situation is analogous to that we occupied before Nice and Savoy were annexed, before Denmark was invaded, before the Russian armies crossed the Pruth, before the war between France and Germany was unavoidable. Something is likely to

take place, upon the continental world, involving future difficulties, which ought to be, if possible, averted. The course which I suggest is to bring certain documents conspicuously forward, and I proceed to say a word as to their nature, and to the effect which they are likely to produce, if now demanded, by your Lordships. The most important and the most applicable by far is the Treaty of April 15, 1856, in which France, Austria, and Great Britain, engaged themselves collectively and separately to defend the Treaty of March 30, 1856, embodying the general arrangements made after the Crimean War, from every infraction. Let the House remark the phrase. It is not only an engagement to come forward and defend the Porte against armed force, but to maintain the previous Treaty against every infraction. According to the language of the noble Earl the Secretary of State, as I have understood it, according to the language of the Ottoman despatch, which has not been replied to, Austria may be described as meditating an infraction on the system formed by the Allies who went to the Crimea. But when the Guarantee of April 15, 1856, appears, it is seen that Austria is bound to resist such an infraction and make war upon its authors. An Empire which respects itself, would scarcely wish to be in a position so ambiguous, and might be led to pause, before decidedly approaching it. As regards the Treaty of January 3rd, 1815, between France, Austria, and Great Britain, I refer to it for the obvious purpose of establishing that, after a struggle of nearly 20 years, Austria had the same mind, the same policy, the same determination as that which guided her in 1856; that she was equally resolved to join the Western Powers in order to maintain the European balance and the general tranquillity. The Treaty of January 3rd, 1815, bears a similar relation to the general arrangements of Vienna as the Treaty of April 15th, 1856, bears to the system founded by the Congress of Paris at that period. Both are outworks and defences of something which immediately preceded them; of something larger than themselves. But the Treaty of January 3rd, 1815, may be regarded as the emanation of Prince Metternich, whose very signature concludes it. It

is the best reply to those who, in order to disparage the validity of what was done in 1856, might treat it as a modern, momentary, fanciful departure from the established line, the House of Hapsburg have pursued. No sooner is the Treaty of January 3rd, 1815, recalled to notice at Vienna, than it is seen that the Guarantee of 1856 is but a second application of the principle Prince Metternich had traced, and which in days of renovated force, authority, and splendour, as his design the Austrian Empire had adopted. Another word is not required on that part of the subject. My Lords, as to the effect on Austria these Treaties may be expected to produce, should the Motion be adopted, I have incidentally alluded to it. They must render clear to many what no doubt the Foreign Office have already explained to some, that an erroneous course is on the verge of being pursued, and one of which the full results have not been adequately realized. The fact is less astonishing, and less a topic of reproach, when we reflect upon the void in Austrian counsels, which the absence of Count Beust, was likely to occasion. As things stand, it should not be forgotten that, in all Governments, opinion is in some degree divided. It would be strange, perhaps, if history was entirely revealed, to see how many critical conclusions, have been narrowly arrived at. But we remark the process even in Committees. It betrays itself in every set of men by whom any kind of business, political or military or financial, is transacted. It is therefore worth while, at even at a late moment, to add a weight to that scale at the preponderance of which you are legitimately aiming. The chance of acting with effect on such a view, is greater in the Austrian Empire than elsewhere, because within it, avowed duality exists; because the conflict of ideas, of interests, of races is perpetual; because the relation of old and new authority is not entirely adjusted; because there are springs of influence whose force can hardly be appreciated, until it suddenly appears; because there is a Press in many tongues to bear on the Executive. A system composed of 17 Diets, of a dozen nationalities, of two Assemblies at Vienna, of two at Pesth, together with a Federal authority beyond them, may not be free from disadvantages, but it is calculated

to secure a certain independence of opinion, a certain latitude of judgment, on any question which arises. At least you may assume that a considerable number of influential persons, from statesman-like opinion, are opposed to that line of thinly-veiled aggression on the Porte which the Identical Note of October last, unfortunately indicates. The publication of these despatches by the House, supplies them with an arm, which cannot be effectually encountered. It must materially aid the Foreign Office in any effort they are making. The Foreign Office can only appeal to men in power. The despatches strengthen those who are combined to watch, and even those perhaps who are entitled to control them. At the same time I indulge in no excessive confidence, in no unbalanced hope as to the result to be arrived at. The negotiation with the Danubian Principalities may possibly occur. In that event the House would have done something to impede or to retard, continued movement on a path, unhappily adopted. In that event the House would also have done something, when future controversies happen, to divest this country of all responsibility, for the loss of an ally, and for the presence of an European complication.

Moved that an humble Address be presented to Her Majesty for, Copies of the Treaty between Great Britain, Austria, and France, signed at Vienna 3rd of January 1815, and of the Treaty between Great Britain, Austria, and France, signed at Paris 15th of April 1856.—*(The Lord Stratheden and Campbell.)*

THE EARL OF DERBY: My Lords, I hardly think my noble Friend is serious in his Motion for the production of those Papers. If he is, I hope he will not press his Motion to a division; because if he should do so I shall feel bound to oppose it;—not because there is anything which it would not be wise to disclose, but because they have been published already, and therefore it would be a waste of money to publish them again. Both the Treaties were laid before Parliament—not at the time they were made, but afterwards, and both may be found in the ordinary collection of State Papers in the Library of this House, and, I suppose, in many other public libraries. No doubt, if there were any general desire to have those Papers reprinted for general circulation, the Government and Parliament would

Lord Campbell

yield to it; but I do not think there is any such desire, nor is it likely they would be much read or referred to, and therefore I do not suppose your Lordships would be disposed to agree to the Motion. But I take it that the object of my noble Friend was not so much to obtain those Papers as to have the opportunity of stating his views on the question to which they have reference—not on the Eastern Question generally, but as to that particular part of the Eastern Question which is involved in the action taken by the Roumanian Government. My noble Friend has a perfect right to do that, and to express his opinions on this or any other subject of international policy, and I am sure we shall always listen to him with interest; but I must point out that there is a difference between the position of an independent Member of your Lordships' House discussing such a question and that which would be held by the person who, however unworthy, for the time being represents this country. My noble Friend finds fault with the policy of the Austrian Government, and he has a right to do so; but if I took his view to the full extent—which I by no means say I do—I should not consider it a convenient course to express my opinions here, while the case is still under consideration, instead of communicating with the Austrian Government in the usual manner. I took an opportunity some weeks ago, in answer to my noble Friend, of stating the position in which things then were. There has been no change since that time. I do not deprecate discussion of the subject; but if we are to discuss it, I think your Lordships will be of opinion that we shall be able to do so with more advantage when the Papers are before your Lordships, and you are made acquainted with its details. I shall only say now, what I feel bound to say after the statement of my noble Friend, and it is this—That the Austrian Government does not express, and never has expressed, any intention to violate existing Treaties; the Austrian Government admits the binding nature of those obligations, and simply places—as I said before—a different interpretation on a portion of those Treaty obligations from that adopted by us. It is admitted that the Roumanian Government is entitled to enter into certain conventions with neighbouring States—

and the only question is as to whether Commercial Treaties are included under the head of Conventions that may be entered into by that Government without the sanction of the Porte. The Austrian Government hold that they are. We, forming the best judgment we can, are of a different opinion. I can add that all the Powers are agreed in this—that providing the power claimed for Roumania in respect of Commercial Treaties can be legitimately exercised, no practical harm could arise from that power being used, and I have very little doubt that if the Porte were approached in a proper manner, its sanction would not be refused. The question, then, is narrowed to this—Some of the leading Powers hold that Roumania has this right without the sanction of the Porte, while we are of opinion that she has not the power without that sanction; but we have said all along that we are quite prepared to advise the Porte to grant it. I cannot regard this business in the light of a European question or as one involving serious danger.

LORD CAMPBELL asked the noble Earl the Foreign Secretary, when the Papers on the subject would be produced?

THE EARL OF DERBY: I cannot at present say; but if I see a chance of the Correspondence being so protracted that there would be no opportunity of discussing the question this Session if we waited for its close, I shall at once lay on the Table all the Papers that we can put before Parliament.

LORD CAMPBELL said, that the noble Earl the Secretary of State for Foreign Affairs had not even attempted any answer to the train of reasoning by which the Motion was supported. If however he thought that the production of the Treaties would do more harm than good and would not be so much an aid as an incumbrance, he was of course entitled to resist it, although no argument was offered in that sense. He (Lord Campbell) would not divide the House when he knew that they were anxious to go on to the next Notice, nor was he able to contend with the majority of the Government. But he should decline to withdraw the Motion and leave to the noble Earl the Secretary of State for Foreign Affairs the responsibility of its being negatived.

EARL GRANVILLE: Without wishing to prolong the discussion, I must say

that I think my noble Friend the Secretary for Foreign Affairs has given very good reasons for not laying the Papers on the Table at present. If the noble Lord presses his Motion, the majority against him will not be composed exclusively of the usual supporters of the Government. In a case in which there is a difference between this country and other Powers, it is desirable that your Lordships should be in possession of all the information the Correspondence can give us before the question is discussed by your Lordships' House.

On Question? *Resolved in the Negative.*

GERMANY AND BELGIUM—
THE PEACE OF EUROPE.—QUESTIONS.

EARL RUSSELL: My Lords, two Questions stand on the Paper in my name—one is to ask, Whether my noble Friend the Secretary of State for Foreign Affairs considers the correspondence between Germany and Belgium entirely terminated: the other is, Whether that Correspondence causes him any fears for the maintenance of the peace of Europe? My Lords, I do not rise for the purpose of putting the first Question; because since I gave Notice of it a further Note appears to have been addressed by Germany to Belgium; but I should like to make some observations with reference to the international relations of the two countries, and as to the probable effect of those relations on the peace of Europe. Now, my Lords, in looking back to the commencement of the present century, I find in the pages nothing more wise—nothing of which England should be more proud, than the principles then laid down by the British Government. In 1802 Lord Hawkesbury wrote a despatch in which, referring to libels which were then being published in this country, he said that while jealously upholding the liberty of the Press, he, at the same time, held that the tribunals of this country had full power to entertain complaints against persons who published libels against those who conducted the French Government and to punish them for such publications. He also said he was told by eminent lawyers that this country would be guilty of a breach of amity if it did not proceed against such persons. When Lord Hawkesbury wrote

Earl Granville

that despatch libels of a violent kind were being published here against the First Consul of the French Republic. The Attorney General of the Government of that day took care to prosecute the persons who wrote those violent and malicious libels: all the eloquence and ability of Sir James Mackintosh did not prevail against the Attorney General, and but for the war in Egypt those persons would have been punished. The rule laid down by Lord Hawkesbury is the right one—that we should do nothing to curtail the liberty of the Press, while, at the same time, we should take care to prosecute and punish those who make libellous attacks on persons in power and authority in other countries. That is the principle laid down by Lord Hawkesbury; and I hope that when this Correspondence is laid on your Lordships' Table it will appear that the German Government have not asked anything inconsistent with that principle—I hope it will appear that the German Government did not propose to Belgium to give up any portion of that liberty of the Press which is enjoyed in Belgium, but only wished to have those persons punished who had written to a French Archbishop to propose that the life of Prince Bismarck should be taken by assassination. I trust that when this despatch comes to be laid on the Table your Lordships will find that nothing has been asked by the German Government which is unreasonable—that it has not thought it necessary to ask for any new legislation—but only that the principles laid down by Lord Hawkesbury in 1802—of which we may justly be proud—are those principles which are expected to prevail at the present time. At all events, I am sure it will require all the care and discretion of the noble Earl the Secretary for Foreign Affairs to reconcile the different views of Belgium and Germany, and to induce them to come to an agreement which shall be honourable to all, and at the same time small maintain the peace of Europe. I do not ask anything more now, because I think the last step taken by Germany will tend to preserve the peace of Europe; and I think that the two Powers waiting—as it would appear they do wait—in a desire for peace, will be able to come to an understanding on the subject. It appears to me that it will not be difficult to obtain such a com-

promise. I will ask the noble Earl to say that when this Correspondence—which has appeared in the French newspapers and which has been read in the Belgian Chamber by the Minister for Foreign Affairs—reaches his hands it will be produced to both Houses of Parliament, we shall have the benefit of further inquiry and discussion. I am quite sure it does not require any interference with the existing law of nations or any new system of international law to carry out the principles laid down by Lord Hawkesbury in 1802.

THE EARL OF DERBY: My Lords, it may not be necessary, but probably it may be convenient, for me to remind your Lordships of the exact position in which this Belgian business now stands. The German Note and the Belgian Note have been published in *The Moniteur Belge*; they were read in the Belgian Chambers and they are now before the Belgian public. I hope the first Note of the German Government will be found to bear out the description given of it in "another place" by my right hon. Friend at the head of the Government—that it is in no sense a menace, but rather a friendly remonstrance on a point respecting which the two Governments differed. The second German Note reached my hands only this afternoon shortly before I came to the House, and I have had no time to do more than examine it in a hasty and superficial manner; but the German Ambassador has described it to me, and I am authorized by him to say that he has done so, as being conceived in an entirely friendly spirit. I am bound to say that I have heard a similar description of it from other quarters, and, as far as I can see, there is nothing in its contents to create a different impression. As I understand, the reply which the Belgian Government intend to send to Germany will be laid before the Belgian Chambers, and when the whole of the Correspondence is thus made public property, there will be no difficulty in laying it before Parliament. I may observe that Her Majesty's Government has not been formally consulted by either party. If such an appeal should be made—and I shall not pretend to say that it may not be—it would be made, not to one Government only, but to all the Governments of the Guaranteeing Powers. I think it would be imprudent

and impolitic on my part to express any opinion on the question now, especially as we have in this country only a very moderate knowledge of some of the facts; but I do not hesitate to say that European opinion has considerably exaggerated the importance of the incident, and that, as at present advised; I look forward to its termination without any uneasiness as to its effect upon the peace of Europe, or upon the integrity and independence of Belgium.

MILITARY TRAINING—PUBLIC SCHOOLS AND TRAINING SHIPS. OBSERVATIONS.

THE EARL OF LAUDERDALE rose to call attention to the subject of what is called military training in public schools and public training ships, and to urge Her Majesty's Government to promote the same. The noble Earl said, their Lordships were aware that in this country great difficulty was experienced in getting either boys or men for service in the Army or the Navy. We ought to look to this while England was at peace, because war began now before one knew what he was about, and it was brought to an end before either side had time to train new lives. He was convinced, therefore, that if boys were to undergo a simple system of military training, the country would have a better class of men. There was nothing boys liked better than playing at soldiers and sailors, and the effect of military drill in schools was to promote order, regularity, and cleanliness among boys, and was, in his opinion, the very best species of gymnastics. The system of military training was enforced in all schools abroad, and now that we had introduced the compulsory system of education here he did not see why military drill should not be introduced as one of the necessary requirements. As to the Volunteers, too much could not be urged in their favour. They came forward nobly in defence of their country; but they knew they would be of no use unless they trained, and he thought that if the boys in our public schools were placed under a certain amount of military training it would have a most beneficial effect upon their future career—but if they waited until these boys had become young men one-half of their opportunity was lost. He had read with satisfaction the proceed-

ings of a deputation which a few days ago waited on the Commander-in-Chief on this subject. It was pointed out to His Royal Highness that this drill would not only conduce to the health of the boys, but would engender habits of discipline and obedience. He believed the Government was disposed to do all it could to establish training-ships for the Merchant Service, and, therefore, he hoped it would do what it could to further military training in public schools.

THE DUKE OF RICHMOND said, he did not intend to go into the question which had been raised by his noble Friend with reference to the position this country would be in if suddenly engaged in war—he should confine himself to the bearing of the question on the military and naval services. His noble Friend began by stating that which was not quite in accordance with the fact—namely, that education was now compulsory; because, although, no doubt, the power of compulsion was vested in the school boards, that by no means described what prevailed throughout the country. He was quite ready to admit, with his noble Friend, that the drill of the character he described was of great benefit to all boys, whether intended for the Army or the Navy, by imparting to them those ideas of order, regularity, and discipline without which it was difficult to obtain fully-qualified soldiers and sailors. This subject was by no means new to them, for the Code which was issued in 1871—paragraph 24—provided that inspection at drill under a competent instructor might be given, and that two hours a week for 20 weeks devoted to this instruction might be counted as school attendance. When, in the same year, a circular on drill was issued by the Secretary of the Education Department to Her Majesty's Inspectors of Schools, a memorandum was added pointing out that the arrangements for carrying out the drill must be made so as to suit the circumstances of each case. Attention was there called in the memorandum to the fact that the necessary drill could be imparted by the staff sergeants of Rifle Volunteer Corps or by members of a Militia staff, who during the greater part of the year had not much to do. It suggested that drill instruction should be given twice a week during at least six months of the year.

The Earl of Lauderdale

The then Secretary for War, his noble Friend (Lord Cardwell) stated that there was no objection to the employment, with the approval of the commanding officer, of drill sergeants in schools for drilling boys; so that drill was recognized by the Government, and means were taken to have it carried out in the various schools throughout the country which chose to avail themselves of it. There was some doubt raised as to what "drill" was meant in the Article he had referred to, and in the Code this year the word "military" was inserted so as to remove all doubts, though no question "military drill" was intended in the original Code. At present, therefore, all schools might have the benefit of the drill if they chose to avail themselves of it. With regard to the Naval Service, the First Lord of the Admiralty had expressed his readiness to co-operate with the committees of the training-ships in this matter; he had visited the training-ships, and had provided ordnance suitable for gun-drill, and he was prepared to make provision for having the boys drilled on board ship. There was also now before Parliament a Bill dealing with the Mercantile Marine, which had been introduced by the President of the Board of Trade, and in that Bill power was taken to attach an instructor to drill the boys in small arm and sword exercise:—so that it would be seen that Her Majesty's Government were quite as much alive as their Predecessors were to the necessity and importance of giving proper facilities for school drill.

EARL FORTESCUE thought nothing could be more satisfactory than the statement made by the noble Duke as to the plan adopted by the late and extended by the present Government for encouraging military and naval drill as part of the education of the country. The noble Duke had spoken of drill as a preparation for the military and naval service; but there was very strong evidence from manufacturing districts that drill was highly valued as a qualification for persons employed in manufacturing operations. Sir Joseph Whitworth stated that a workman who had acquired the habit of moving promptly at the word of command was worth on the average at least 1s. 6d. a-week more than a man of equal manual dexterity who had not acquired the habit. He regretted drill was not more extensively

introduced into our middle and higher class schools. He was aware that drill was taught in our public schools; but he was sorry to say it did not receive from the masters generally the active support and countenance to which it was entitled.

LORD SANDHURST said, he could not agree with the noble Earl who brought forward this subject (the Earl of Lauderdale) that the drilling of boys at school would largely affect the recruiting for the Army. He was inclined to think that the introduction of drill into the schools mentioned by the noble Duke would not have a very great effect on the number of recruits, although it might improve very much the physical capacity of young men. In his Notice the noble Earl referred to "what is called military training in public schools and public training ships." He presumed that the noble Earl was alluding to schools of a really military character, and everybody knew that training ships had a naval character. From having had an opportunity of inspecting one of these ships, he was able to say that there was no better system of providing recruits for Her Majesty's ships. But there was this important distinction between the Army and the Navy:—it was possible, he believed, to employ a very great number of boys in ships profitably, whereas in our regiments the means of employing boys were limited. To this fact the illustrious Duke who usually sat on the cross benches (the Duke of Cambridge) drew their Lordships' attention last year. It was not his wish to throw cold water on the proposal of the noble and gallant Earl. To a great extent he concurred with him, and with the noble Duke; but he thought a small matter of this kind ought not to be allowed to divert their attention from the much more serious question which must shortly come under consideration in reference to the possibility of largely increasing the means at the disposal of the Secretary of State for strengthening Her Majesty's Army.

THE MARQUESS OF LANSDOWNE was of opinion that much might be done by regular drill in elementary schools to diffuse a military spirit among the people. It had occurred to him that, as before long a number of men belonging to the Reserve Forces would be scattered about in various parts of the country,

the Government would do well to consider whether, if the pay of some of them was slightly increased, they might not be made available as drill instructors in schools.

PAROCHIAL RECORDS OF IRELAND. QUESTION.

THE EARL OF BELMORE asked the Lord Chancellor, When the promised Bill to provide for the safer custody of the parochial records of Ireland was likely to be introduced, and into which House of Parliament?

THE LORD CHANCELLOR said, he hoped to be able before very long to lay the Bill upon the Table of that House. He was very sorry it could not be introduced at an earlier period; but some difficulties occurred, which were not anticipated, as to the various provisions the Bill should contain.

INDIAN LEGISLATION BILL.

(*The Marquess of Salisbury.*)

(NOS. 46-59.) COMMITTEE.

House in Committee (according to Order).

THE MARQUESS OF SALISBURY thought the difficulty which had been mentioned the other night by the noble Viscount opposite (Viscount Halifax) as to dealing with the question whether an Act passed by the Indian Legislature was *ultra vires* or not, in reference to a pending litigation, might be met by inserting a provision in the Bill that whenever it appeared to the Judges of the High Court that an Act passed by that Legislature was *ultra vires*, whether in consequence of a case pending before them or not, they might refer to the Judicial Committee of the Privy Council for their opinion on that question. The noble Marquess accordingly moved an Amendment to that effect.

VISCOUNT HALIFAX entirely approved the course taken by the noble Marquess.

THE DUKE OF ARGYLL said, he was not present the other day when this Bill was before the House. He entirely agreed with the noble Marquess opposite in the object of the Bill. He thought the Bill was of the highest value, and in no respect more valuable than with regard to a matter to which he thought very little attention had been drawn—

namely, the power which it would give for the first time to the Secretary of State to disallow part of a measure. When he (the Duke of Argyll) was in office he had no option between disallowing the whole of a measure and allowing the whole of it. He wished to know what was to become of a case pending a reference to the Judicial Committee of the Privy Council for their opinion upon a question of *ultra vires*?

THE MARQUESS OF SALISBURY said, the Judges would have power to adjourn a case pending such reference.

Amendment agreed to.

Further Amendments made: the Report thereof to be received on *Friday* next, and Bill to be *printed*, as amended. (No. 59.)

EXETER UNION OF BENEFICES BILL [H.L.]

A Bill to make better provision for the union of contiguous Benefices within the city of Exeter—Was *presented* by The Lord Bishop of Exeter; read 1st. (No. 58.)

House adjourned at Seven o'clock,
till To-morrow, half
past Ten o'clock.

HOUSE OF COMMONS,

Monday, 19th April, 1875.

MINUTES.]—NEW WRIT ISSUED—*For* Bedford County, *v.* Francis Bassett, esquire, Chiltern Hundreds.

SELECT COMMITTEE—*Special Report*—Foreign Loans Committee [No. 152].

WAYS AND MEANS—*considered in Committee*—Resolution [April 16] *reported*.

PUBLIC BILLS—*Ordered—First Reading*—Local Government Board's Provisional Order Confirmation (No. 2) * [127]; Sea Fisheries * [128]; Consolidated Fund (£15,000,000) *.

First Reading—Elementary Education Provisional Order Confirmation (Brighton) * [129].

Second Reading—Public Health [65]; Intestates Widows and Children (Scotland) * [109]; Seal Fishery (Greenland) * [117]; Bishops Resignation Act Perpetuation * [124].

Referred to Select Committee—Pier and Harbour Orders Confirmation (No. 2) [113].

Committee—Sale of Food and Drugs (*re-comm.*) [83]—R.P.

Committee—*Report*—Artizans Dwellings * [126]; Pier and Harbour Orders Confirmation * [111]; Offences against the Person [45].

Considered as amended—Explosive Substances * [115], *debate adjourned*.

The Duke of Argyll

SPAIN—THE CIVIL WAR—ALLEGED ATROCITIES.—NOTICE OF QUESTION.

MR. BAILLIE COCHRANE gave Notice that he would, on Thursday next, ask the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government has received any official information of the cruelties reported to be committed on prisoners of war by both parties in the war now raging in Spain; and, if so, whether Her Majesty's Government will follow the precedent of 1835, when Lord Eliot and Colonel Gurwood were sent out as Commissioners to the head quarters of both armies to remonstrate against the barbarities practised alike by the forces of the Government and the forces of Don Carlos, which led to the Eliot Convention, so conducive to the interests of humanity?

FAC-SIMILES OF IRISH NATIONAL MANUSCRIPTS.—QUESTION.

MR. GIBSON asked the Secretary to the Treasury, Why the publication of Fac-similes of National Manuscripts of Ireland, published by authority of the Lords Commissioners of Her Majesty's Treasury under the direction of the Master of the Rolls in Ireland, was discontinued in January last after the sale of twenty-five Copies; and when the issue and sale of the said work will be resumed?

MR. W. H. SMITH: Sir, the sale of the fac-similes of the Irish manuscripts was stopped temporarily, because the arrangements for their issue were incomplete, a sufficient number of copies was not ready, and the price had not been fixed. These matters have now been settled, and the sale will proceed without delay.

PARLIAMENTARY AND MUNICIPAL ELECTIONS ACT—THE CASE OF JOHN LANGTON.—QUESTION.

MR. SERJEANT SPINKS asked the Secretary of State for the Home Department, Whether his attention has been called to the case of John Langton, who was sentenced in March 1874 to eighteen months' imprisonment, with hard labour, in Salford Gaol, and who died in that prison on the 24th of March 1875; whether he is aware that the said John Langton was, during the whole time of his imprisonment, in delicate and failing

health; whether a memorial, numerously signed, was forwarded to the Home Office in July 1874, asking for Langton's release (among other reasons) on the ground of his illness; whether another memorial was forwarded to the Home Office in March 1875, signed by 5,400 persons, and praying for the release of Langton on the ground of his serious illness; whether communications to the like effect were received at the Home Office from time to time from the Governor and Doctor of the prison in which Langton was confined; and, whether he will lay upon the Table of the House all documents and letters not private or confidential relating to Langton's health or release received at the Home Office during Langton's confinement?

MR. ASSHETON CROSS: Sir, my attention has been called to the case of John Langton. As stated by the hon. and learned Member, he was sentenced for the offence of personation at a municipal election, by the Court of quarter sessions at the date specified, to 18 calendar months' imprisonment. That seems to be a very severe sentence, no doubt; but the Court was presided over by a salaried chairman of very high standing at the Bar, of very great experience, and a man of very great intellectual capacity, and therefore we must assume that he gave great attention to the subject. I was not aware that during the whole of his imprisonment he was in delicate or failing health. Certainly, a memorial numerously signed was forwarded to the Home Office in 1874, asking for Langton's release; but that memorial rested almost entirely upon the ground of the conviction having been improper, which I could not attend to for the reasons I have named, and only the very last words of the document were the words "that he was in delicate health." As was stated, another memorial was forwarded to the Home Office in March 1875, signed by 5,475 persons, but that, like the former one, practically relied on the ground of the injustice of the original conviction. At the same time, it did state that the prisoner had suffered seriously in constitution by his imprisonment. I received a letter a day or two afterwards from the hon. and learned Member, and, of course, the usual inquiries were made, and an answer was received through the visiting justices. The kind of certificate

necessary in order to ensure the release of a prisoner is perfectly well known; but the certificate that was forwarded to the Home Office, instead of stating that there was any danger to his health from the imprisonment, simply stated that the prisoner's bodily health was impaired, and that he was unfit for any hard work. I think there has been some mistake in this case. With respect to the further part of the Question of my hon. and learned Friend, I can find no trace in the office of any communication either from the governor or from the doctor of the prison, except the one which was sent by the order of the visiting justices in answer to my own inquiry, and therefore I have no Papers to lay upon the Table of the House. As regards, however, any others relating to the case, I shall be glad, as far as possible, to submit them to my hon. and learned Friend for his information.

POOR LAW (ENGLAND AND SCOTLAND)
—GRANTS IN AID—MEDICAL EXPENDITURE.—QUESTION.

DR. CAMERON asked Mr. Chancellor of the Exchequer, Whether his attention has been called to the inequality of the Government Grant in aid of medical expenditure by the parochial boards in Scotland as compared with the Grant for the same purpose to poor law unions in England; and, whether it is his intention to place the two Countries in this respect on the same footing?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he was aware there was a difference in the grants in aid of the medical expenditure in the two countries; but he was not, at present, prepared to make any proposal for an alteration of the system.

CAPTAIN PIM AND MR. E. J. REED.
QUESTION.

MR. MONK asked the honourable Member for Gravesend, Whether he has taken the usual steps to secure a day for bringing forward the Motion which stands in his name in the Order Book, reflecting on the professional character of the honourable Member for Pembroke; and, if not, why he has omitted to do so?

CAPTAIN PIM: In reply, Sir, to the hon. Member for Gloucester (Mr. Monk), I beg to disclaim any intention of reflecting upon the professional character of

the hon. Member for Pembroke. I have selected the earliest day on which I could bring on my Motion—Tuesday, the 11th May. I am not acquainted with the hon. Member for Pembroke, and have never spoken to him in my life. If, however, he will put himself in communication with me, I shall be happy if I can meet his convenience in regard to the time of bringing the Motion before the House. I may add that I should have brought the matter before the House directly after Easter had not my time, as hon. Members are aware, been fully occupied.

MR. E. J. REED: Sir, perhaps the House will allow me, as one who is interested in this subject, to say a few words in regard to it. ["Hear, hear!" and "Order."] I will conclude with a Motion, as hon. Gentlemen opposite are disinclined to listen to a personal explanation.—["No, no!"] I would not presume to think that the Motion was an attack upon myself, but for the high authority of the right hon. Gentleman the First Lord of the Admiralty, that it was to be so considered; and while thanking the right hon. Gentleman for the way in which he answered the Question put to him, and the hon. Member for Gloucester (Mr. Monk) for having, without any communication with me, put the present Question, I must say that I have not felt any serious desire to have this question brought forward, and that for two or three reasons. In the first place, it is much easier to put a Question reflecting by imputation and inuendo upon the character of a Member of this House than it is to substantiate an attack by a speech which will satisfy this House that the attack is justified; but I have been willing to make great allowances for the hon. Member who has found himself suddenly placed in the position of being called upon to justify the imputation which his Question conveyed. In the next place, many circumstances may arise, after a Notice of this kind is given, to divert the attention of the giver of the Notice from the attack which he contemplates upon another person to the defence of his own position, and I am willing to make great allowance for those circumstances. And thirdly, I wish to be allowed to say, that whatever this Motion may be in the nature of an attack upon myself, it is also a Motion in the nature of an attack upon Her Majesty's

Navy; and if it has any force whatever, it is calculated to spread anxiety in reference to Her Majesty's ships. The national guardians of the character of the Royal Navy in this country sit opposite, and as they have not thought the Notice of Motion was worthy of their attention, and have not taken the trouble to remove the imputations which it made upon Her Majesty's Navy, I have felt that I might freely pass by the imputations it conveyed upon myself in a like spirit. I will add, however, that I doubt whether it is to the credit of this House, that it should give countenance to individual Members making attacks upon other Members by the Forms of the House, allowing those attacks to remain upon the Notice Paper day after day and week after week, merely for the purpose of imputing charges without, as far as I can understand, coming forward to substantiate them. I would, therefore, venture to suggest that it would be better if hon. Members would defer making attacks until they are ready to substantiate them. I now beg to move the adjournment of the House.

Motion, by leave, *withdrawn*.

INTERNATIONAL OBLIGATIONS— GERMANY AND BELGIUM.—QUESTION.

MR. O'REILLY asked the First Lord of the Treasury, Whether it is true, as stated in a German paper, that the German Government in January, 1874, and also after the accession to office of the present ministers, proposed to the English Government to address the Belgian Government upon the subject of what was called the Ultramontane agitation in the latter kingdom; if so, if these communications of the German Government were in the form of despatches, or verbal; and, whether he has any objection to state the substance of the reply, if any, of Her Majesty's Government?

MR. DISRAELI: Sir, the hon. and gallant Gentleman has inserted a very necessary word in the Question since it was first printed on the Notice Paper—namely, the word "also." The Question is—

"To ask the First Lord of the Treasury, whether it is true that the German Government in January, 1874, and *also* after the accession to office of the present ministers, proposed to the English Government to address the Belgian Government upon the subject of what was called

Captain Pim

the Ultramontane agitation in the latter kingdom; if so, if these communications of the German Government were in the form of despatches or verbal?"—

I understand by inserting the word "also," the hon. and gallant Gentleman refers to two different communications which he assumes to have been made by the German Government. With regard to the first inquiry—namely, whether, in January, 1874, the German Government proposed to the English Government to address the Belgian Government on the subject of what was called the Ultramontane agitation in the latter kingdom, and, if so, whether those communications were made in the form of despatches or verbally, I would inform the hon. and gallant Member it is true that Prince Bismarck felt compelled to make a strong representation to the Belgian Government on the subject of what he styled the conspiracy carried on in Belgium between the Ultramontane party, consisting of refugee Jesuit priests, and Roman Catholics in Germany. That was in the month of January, 1874, and he suggested, through the Ambassador of Germany, that Her Majesty's Government should support those representations. The Secretary of State of the then Government replied to that suggestion in conversation to this effect:—That it was the desire of the Government that no cause of difference should exist between Germany and Belgium; that the Belgian Government had always shown itself exceedingly prudent in its foreign relations and cautious to avoid any just cause of offence to its neighbours; and he expressed a confident hope that Prince Bismarck would not press the Belgian Government to go beyond whatever limits were imposed upon it as the Government of a Catholic country with free institutions. That was the answer given by Lord Granville, the then Secretary of State, to the proposition made by the German Ambassador to join in the remonstrance to the Belgian Government, in consequence of what the hon. and gallant Gentleman has called the Ultramontane agitation. This was the only communication which, as far as we know, was made to the late Government. It was not made by despatch; it was made in conversation; and it was an oral communication. I now come to the second part of the Question, which

is, whether since the accession of the present Government to office, which would be immediately after January, any similar application had been made by the Government of Germany, either by despatches or in interviews, such as I have referred to, and I have to inform the hon. and gallant Gentleman that neither in interviews nor by despatches have any such propositions been made to the present Government.

CUSTOMS AND EXCISE ESTABLISHMENTS.—QUESTION.

SIR HENRY PEEK asked the Chancellor of the Exchequer, Whether, on the opportunity promised for discussing the Budget Resolutions, he will be so good as to state the gross costs of the Customs and Excise Establishments; and, whether inasmuch as the four articles—Tobacco, Spirits, Tea, and Wine—produce nine-tenths of the entire Customs Duties, he will consider if a considerable saving may be effected by blending the two Departments?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that with regard to the gross cost of the two Establishments in question, his hon. Friend the Member for Mid Surrey would find the particulars in the Estimates; but if there were any points on which further information was desired, he would be happy to supply it. The second part of the Question was a large one, and one which he (the Chancellor of the Exchequer) could hardly answer in the limits of a reply, but at the proper time he would be ready to answer it.

SUPERANNUATION ACT, 1859—PENSIONS AND RETIRING ALLOWANCES. QUESTION.

MR. O'REILLY asked the Secretary to the Treasury, Whether there is any rule or regulation which directs that in calculating pensions or retiring allowances a man who voluntarily resigns a situation under Government, not being sixty years old, nor in bad health, forfeits all title to pension, and that in respect of services previous to such resignation his title is not revived by any subsequent service; whether, if there be such a regulation, he will lay it upon the Table; and, whether since its enactment such regulation has been

maintained without any instance of infringement, or, if it has been infringed, in how many cases and for what reason?

MR. W. H. SMITH: Sir, the 10th section of the Superannuation Act, 1859, 22 Vict., cap. 26, provides that—

"It shall not be lawful to grant any superannuation allowance under the provisions of this Act to any person who shall be under 60 years, unless upon medical certificate to the satisfaction of the Commissioners of the Treasury that he is incapable, from infirmity of mind or body, to discharge the duties of his situation, and that such infirmity is likely to be permanent."

The 11th section of 4 & 5 Will. IV., c. 24, contained similar provisions, the age being 65 instead of 60. When a person leaves the Service under circumstances which give him no claim to any superannuation allowance, compensation allowance, or gratuity, it has always been held by the Treasury that his connection with the public service is absolutely broken by that circumstance; and that if he ever after re-enters the Service, such re-entry constitutes a fresh departure, from which date only his service can count for future pension or gratuity. The rule is a traditional one, and constantly acted upon, but no specific date can be assigned when it was formally "enacted." It has hardly ever been infringed, and in every case in which it has been infringed, there have been some very special circumstances which have been held to justify the break of service being overlooked.

PARLIAMENT—DEFICIENCY OF CABS.—QUESTION.

MR. PALMER asked the First Commissioner of Works, Whether a shelter cannot be provided for cabs and carriages in Palace Yard or immediate neighbourhood, seeing the inconvenience of want of cabs in inclement weather on the occasions of the late sittings of the House?

LORD HENRY LENNOX, in reply, said, that he was far from depreciating the amount of inconvenience suffered by hon. Members from the cause in question; but it was not in his power, neither did he think any Member of the Government had the power, to compel the attendance of the necessary number of vehicles. He had considered the suggestion to erect a covered way in Parliament Square; but it would be

costly, and would not accommodate more than 15 or 20 vehicles—a very inadequate number—and further, with a regard to the square from an architectural point of view, such a shed would not be an ornamental structure. He had, therefore, turned his attention to the possibility of securing some of those popular "shelters" for cabmen which might be erected in the immediate neighbourhood, which would protect drivers in inclement weather, and allow the cabs to be within easy reach of hon. Members.

CUSTOMS—CONVICTION FOR SMUGGLING AT LEITH.—QUESTION.

MR. MONK asked the Secretary of State for the Home Department, Whether his attention has been called to the conviction of seven seamen at the Leith Police Court on Tuesday last, for smuggling twenty pounds of tobacco on board the steam ship "Dresden," and to the sentence upon each of them of a fine of £100, with imprisonment until such fines be paid, notwithstanding that it was proved that the real criminal had disappeared, and that, in the words of the presiding magistrate, "they had been proved innocent of guilty knowledge;" and, if the sentence be in accordance with Law, whether he will take into his consideration the amendment of that Law?

MR. ASSHETON CROSS, in reply, said, that his attention had been called to the conviction and imprisonment of these seven seamen for smuggling tobacco at Leith, and on the day he heard of it, he also heard of their release. The magistrates thought they had no option but to convict under a particular statute, and the statutes relating to Customs' revenues were of a very stringent character. He had called the attention of the Customs authorities to the conviction, and asked them whether any relaxation in the statute would be desirable.

THE QUEEN v. CASTRO.—QUESTION.

DR. KENEALY asked the First Lord of the Treasury, Whether he will give him a Government night to bring on the postponed Motion which stands in his name?

MR. DISRAELI: Sir, in attempting to conduct the Business of the House,

Mr. O'Reilly

whenever a general feeling is manifested on both sides, that any question or subject should be brought forward, it is my duty, at any inconvenience to the Government, to endeavour to meet the wishes of hon. Members. I do not, however, understand the Question which speaks of a Motion as being "a postponed Motion."

DR. KENEALY: There is only one Motion which stands in my name, and that is the Motion with reference to the Queen v. Castro.

MR. DISRAELI: Sir, I see; it never has been postponed. I beg to state, on the part of the Government, assuming that there is an anxious desire on the part of hon. Members that any Motion upon a subject which may very much interest them should be brought forward, I should be always willing to make some arrangement for its being immediately brought forward; but a condition precedent, as long as I have had the conduct of the Business of this House, has been to know what the Motion is which is to be brought forward. I am at present in total ignorance as to what that Motion is; and I am not justified in giving or securing a day for any hon. Gentleman, unless I know what the Motion he intends to propose really is. The only information, in this case, which the Journals of the House afford me is, that on the Notice Paper I find this Notice—

"Dr. Kenealy,—'The Queen v. Castro,'—To call attention to the Government Prosecution of The Queen v. Castro, and to the conduct of the Trial at Bar and the incidents connected therewith, and also to certain incidents of the said trial which have occurred subsequent thereto; and to move a Resolution."

Now, in the first place, I do not wish to dwell upon it; but it is very remarkable to ask for a day to inquire into the incidents of a trial, and also the "incidents of the said trial which have occurred subsequent thereto." We want some explanation of what that means. What can the House of Commons do with such an imperfect Notice as this is? Who is to describe the conduct of the trial at bar or the incidents? Is it the hon. Member for Stoke, who is the Mover, and in that case who is to contradict, criticize, or cross-examine him? Is the House to take his statement as authoritative and unquestionable? These are inquiries which are deserving of con-

sideration before discussing any question. Under ordinary circumstances you would have a Petition, properly drawn up, presented to the House, and every hon. Member would have the privilege of taking that Petition, and would have the right to form an opinion whether the statements in it were true or false. If he thinks them to be true, he has the right to bring the subject-matter before the House, and see whether the House agrees with his conclusion or not. So, also, in a still more legitimate manner, Papers might be moved for. You might move for the summing-up of the Lord Chief Justice, or the Minutes of Evidence, or documents of that kind, and the House would then have materials before it, and any Member who arrived at an opinion upon them might ask the House to agree with him, and the House would then have an opportunity of correcting his statements or meeting his arguments. But in the case of the Notice before us, we know nothing and we have nothing. The hon. Member for Stoke may make any statement he likes. He may make one of those wild and extravagant statements which he has frequently made throughout the country. He may repeat all those leading articles, so refined and finished, that we were favoured with the other night. But we must remember this—that he puts himself in the position of a witness without the sanction of an oath, without the correction of cross-examination, and without any definite Motion before the House. And therefore it is perfectly impossible for us to consider the proposition of fixing a day for the Motion until we know what that Motion is. If the hon. Member for Stoke will come forward and tell us what his Motion is, and if it be one consistent with the Forms of the House, and such as we are justified in receiving, then I pledge myself to do my utmost to give him the earliest day that can possibly be given.

DR. KENEALY: I do not know whether I am expected to answer the question of the right hon Gentleman or not?

MR. SPEAKER: If the hon. Member is prepared to give the House the terms of his Motion, no doubt the House will be glad to receive them.

DR. KENEALY: I consider that the Notice I have given is perfectly Parlia-

mentary. I do not at all accede, with great deference, to the views of the right hon. Gentleman, nor has Parliament ever exercised any power of compelling a Member to be more specific in his Motion than I have been in this. I think it perfectly Parliamentary to "call attention to the Government Prosecution in 'The Queen v. Castro,' and to the conduct of the Trial at Bar." No one can deny that to be a Parliamentary inquiry. "And the incidents connected therewith." That likewise is a Parliamentary inquiry. "And also to certain incidents of that Trial which have occurred subsequent thereto." That is also perfectly Parliamentary. And then I propose to conclude with a Resolution. ["Order!"]

MR. SPEAKER: When an hon. Member has given Notice of his intention to bring before the House a Motion, the House expects, that before that Motion is offered and submitted to the House from the Chair the terms of the Motion shall, within a reasonable time, be in its possession.

DR. KENEALY: In answer, Mr. Speaker, to what you have just said, I thought that when my Notice of Motion concluded with an intention to propose a Resolution I should be asked what that Resolution was, and I was perfectly prepared to inform the House or any hon. Member what it was. I shall now do so. I intend to make certain complaints in the course of my speech, and I intend at the close of that speech to move either for a Select Committee or a Royal Commission, whichever may seem most expedient to the wisdom of Parliament, to inquire into these complaints. That is all.

MR. DISRAELI: Speaking, Sir, on the part of the Government, I shall be perfectly ready—having heard what the Motion is, and that the hon. Member for Stoke takes the alternative either of a Select Committee or a Royal Commission, and expecting and assuming that he will adhere to his Motion—to take means immediately to meet his wish. With regard to a Government day, those days before Whitsuntide are occupied with Business to defer which, if possible, would be more than a public inconvenience—it would be a national detriment. There is the Peace Preservation (Ireland) Bill, which cannot be postponed without serious danger. We have

brought it forward as early as possible, and we have afforded hon. Members connected with Ireland every opportunity of discussing it. There are also measures connected with the Budget which cannot be postponed without detriment. There is, however, a universal feeling on the part of the House that the hon. Member for Stoke, if he will place a distinct issue before the House, should have the opportunity of doing so, and therefore I feel that private Members who have days occupied with various Motions of interest and importance would assist the Government on the present occasion. I have conferred with some of my hon. Friends, and I feel sure I can make an arrangement such as the House would wish. I would wish that there should be no delay, and I should have inferred from what the hon. Member for Stoke has said, that he would be equally anxious that not a moment should be lost, and if he likes to have to-morrow, my noble Friend the Member for Haddingtonshire (Lord Eleho), who has a Motion of the highest importance and national interest to bring forward, but not of an absolutely pressing or urgent character, would probably give way in answer to my appeal. In that case I would, of course, feel bound to make some arrangement by which my noble Friend should not suffer. Therefore, if the hon. Member for Stoke is prepared to go into this controversy at once, I will give him to-morrow.

MR. BRIGHT: I am rather surprised, Sir, after the speech of the right hon. Gentleman at the head of the Government, that he should have ended with a conclusion which appears rather unreasonable towards the hon. Member for Stoke and unreasonable to the House. If an arrangement had been made by which the Motion could have come on on Friday, or this day week, it would be fairer to the hon. Member for Stoke and fairer to the House, and to such hon. Members of the House as may think it right to take up any defence on the part of the Judges, or to make explanations connected with the trial. I know I am not at liberty to make a Motion on the subject; but I feel bound to say, that I think the proposition made by the right hon. Gentleman at the head of the Government is not a reasonable one under the circumstances. If the right hon. Gentleman has been able to persuade his Friends to give up to-morrow, I cannot

doubt that with the authority which he exercises in the House—not a little on this side, and omnipotent on that—he will be able to set aside Friday, which, I think, will be more satisfactory to all parties who take an interest in the subject.

LORD ELOHO: Sir, I have no right to address the House; but I must say I think it will be agreed by most hon. Members that the position of a private Member is a hard one. He ballots for his chance of a day, and having got it, he is then invited to give up his day. In a case of this kind, when a private Member gives up his day, it is peculiarly hard upon him, because he is invited to give up his day to a Gentleman who might have had many opportunities in Supply of bringing forward his Motion, but who has thought it more convenient for his own purposes to delay bringing it forward. I may say, with regard to myself, that I feel I cannot bring forward a more important question than one which refers to the stability and strength of the Empire, especially looking to what is going on at this moment across the Channel. I admit, however, that the matter to which I am asked to give way is one of urgency, and I think it desirable that the very earliest day should be fixed to enable the hon. Member for Stoke to bring forward his Motion, so that the public ear may not be poisoned as it has been by slurs on the purity of justice. I therefore differ from what the right hon. Gentleman the Member for Birmingham has just said, for I think there should not be a single hour's delay.

MR. SPEAKER: I wish to point out that there is no question before the House, and any debate on the question of time will be clearly out of Order.

LORD ELCHO: Perhaps the House will allow me to add, that, being so clearly of opinion that there should be no delay, I have much pleasure in giving way, upon the understanding that the Government will assist me to another day, so that I may not be damaged.

MR. RUSSELL GURNEY: As the right hon. Gentleman opposite (Mr. Bright) suggests that it would be scarcely fair to the hon. Member for Stoke to fix to-morrow, I should like to hear from that hon. Member whether he himself objects?

DR. KENEALY: I object to it for the same reason. In the first place, I may say that I am labouring under a most violent attack of bronchitis. ["Oh, oh!" and "Order."] The House will remember that it was with great difficulty that I endeavoured to make myself heard by a portion of the House on Friday night. In the second place, my notes and memoranda are in the country, 10 miles beyond Brighton; and on Thursday my hon. Friend the Member for Peterborough (Mr. Whalley) has given Notice to move for certain Papers, and I consider the production of those Papers essential to the Motion that I have to make. I am very much obliged to the right hon. Gentleman the First Lord of the Treasury for having so kindly consented to give me an immediate night; but I was guided to some extent by what I saw in this day's Paper that to-morrow week was an open day, and that it was probable that the right hon. Gentleman would have given me that day; and if he will give me that day I assure him that I will ask for no further delay, and I will endeavour to satisfy the House and country that I am justified in bringing the matter before them. I will only add that I shall try to condense my remarks into the smallest possible compass, so as not to occupy more of their time in doing so than I can possibly help.

MR. DISRAELI: I wish, Sir, to explain why I proposed to set apart to-morrow for the Motion. The hon. Member for Stoke mentioned on Friday last that he was as prepared then to bring forward his charge as he would be at any time, and, therefore, I put myself in communication with my noble Friend the Member for Haddingtonshire (Lord Elcho), and the House has seen the result. Of course, when the hon. Member for Stoke says that he is suffering from bronchitis—though I carried on the whole of the business of last Session under attacks of bronchitis—I would not resist an appeal of that kind; but before I fix a day we must not be told hereafter that if certain Papers that we are told are to be moved for—of which we know nothing at present—are not on the Table, the Motion cannot be proceeded with. [Dr. KENEALY: No, no!] Until we know what the Motion of the hon. Member for Peterborough is with regard to those Papers, it is impossible

for us to say whether we can consent to their production; but nothing can be taken as contingent upon that Motion. Taking all things into consideration, I shall propose that next Friday shall be the day on which the hon. Member for Stoke is to make his charges and bring forward the Motion which he has announced.

DR. KENEALY assented.

MR. WHALLEY wished to ask the hon. Member for the Isle of Wight (Mr. Baillie Cochrane) a Question of which he had given him private Notice. It was, Whether it was true that he had refused to present a Petition forwarded to him by his constituents with reference to the Tichborne Case, on the ground that such Petition reflected upon the conduct of the Judges who tried the Case, and that on a former occasion, when a similar Petition had been entrusted to him to present, he was told he had better not lay it before the House. He (Mr. Whalley) wished to know what was the nature of the objection made against the presentation of the Petition alluded to, and by whom it was made?

MR. BAILLIE COCHRANE said, the hon. Member had been correctly informed. He did not choose to enter into a controversy on the question; but he would state that on a former occasion, when he had had a similar Petition entrusted to him, he had drawn the attention of the Speaker to it, and the right hon. Gentleman had advised him not to present it. That being so, he did not choose to present it.

MR. CHARLES LEWIS said, that as the right hon. Gentleman at the head of the Government had made the statement to which they had recently listened without having had any communication with him (Mr. Lewis)—he occupying the position of being first on the Notice Paper for Friday—he could only say that he would willingly give way to enable the question to be brought forward by the hon. Member for Stoke, which the House was so anxious to come to a decision on. He would, however, suggest that hon. Members should not ballot for the 27th of May, and thus enable those whose Motions were down for Friday next to bring them on on that day.

MR. DISRAELI: I wish to apologize to my hon. and learned Friend for not communicating with him. I did not an-

ticipate any difficulty of this kind, or I would have given him Notice. I can assure him it was no intentional discourtesy on my part.

COLONEL LOYD LINDSAY said, that the hon. Member for Stoke having intimated his readiness to bring forward his Motion he (Colonel Loyd Lindsay) would withdraw the Resolution of which he had given Notice with reference to expunging it from the Paper.

MR. ROEBUCK wished to ask the right hon. Gentleman at the head of the Government, Whether it would not be better that the Motion of the hon. Member for Stoke should be a direct Motion instead of being brought on on going into Committee of Supply?

MR. DISRAELI: Certainly; it would be better as a direct Motion.

SURVEYOR TO THE OFFICE OF WORKS. QUESTION.

MR. DILLWYN asked the First Commissioner of Works, What amount the Surveyor to the Office of Works received last year for salary, and what amount for commission or purchases made for the Department of Works?

LORD HENRY LENNOX, in reply, said, that the salary of the officer in question was £750 per annum, and his commission in purchases made for the Department amounted to £331.

PARLIAMENT—THE WHITSUN HOLIDAYS.—QUESTION.

MR. O'REILLY asked the First Lord of the Treasury, Whether he is in a position to give the House information as to the Whitsun holidays?

MR. DISRAELI: I would be glad to indulge the pleasant dream which the hon. Member evidently entertains, but I am not yet in a position to do so, as it is too early.

LOANS TO FOREIGN STATES COMMITTEE.—SPECIAL REPORT.

Report brought up, and read as follows:—

"The Select Committee on Loans to Foreign States to whom it was referred to report to The House whether a Letter, professing to be written by *M. Victor Herran*, Honduras Minister in Paris, and addressed to the Right Honourable *Robert Lowe*, Chairman of the Committee on Foreign Loans, was produced and read before

Mr. Disraeli

the said Committee, and under what circumstances, and whether any Copy of the said Letter was communicated by or on behalf of the said Committee to 'The Times' and 'Daily News' Newspapers, or either of them;—Have considered the matters to them referred, and have agreed to the following Special Report:

"The Committee, on the 22nd March, examined Captain Bedford Pim, a Member of the House; during his examination certain questions were put and answered, as follows:—

"Q. 1899. And that loan was stopped, as I understand, by some action of the police?—A. If you like I will give you the particulars of that.

"Q. 1900. If you please?—A. M. Herran, the Minister Plenipotentiary of Honduras in Paris, and M. Pelletier, his son-in-law, through the bankers, Messrs. Dreyfus, Scheyer and Co., said that they would not agree to the loan being launched, unless I took care that they had, the one 40,000*l.* and the other 16,000*l.* That is a sort of thing that English sailors are not much accustomed to, and I am afraid that I used very strong language about it; but the result was that these two gentlemen, in their official capacity, applied to the French Government, and, Paris at that time being in a state of siege, the French Government signed an order for my arrest, and I was arrested upon that order, and put in prison for 46 hours.

"Q. 1958. But as trustee did you not see what became of the sum of 101,000*l.* which you received?—A. I will tell you at once that 70,000*l.* odd was spent as the dividend then due on the 1869 French loan.

"Q. 2020. But supposing it failed, as it did, you would not be able to get it?—A. Nobody dreamt it had failed. Who would dream that the Minister Plenipotentiary of Honduras in Paris, and his son-in-law the Consul General, would attempt to come to an English gentleman and make such stipulations as they did, for me to pay 40,000*l.* to the one and 16,000*l.* to the other, and that they would go (I will leave it to the Committee to judge the nature of such men) and inform the French Government that I was not the Special Commissioner of Honduras, although they knew perfectly well that I was; and the consequence was that I was thrown into prison, and the loan came to nothing, of course."

"The Chairman, on the 8th April, laid before the Committee a letter signed by the said M. Herran, written in French, addressed to him from Paris, and received by the post. The following is a correct translation of the letter:—

"Paris, 7th April 1875.

"To the Right Honourable Robert Lowe, Chairman of the Committee on Foreign Loans, London.

"Sir,

"Absent from Paris more than a month, I returned only the day before yesterday, and could not at an earlier period reply to the attacks of Mr. Bedford Pim, which are reported

in the journals, the 'Times' and the 'Daily News,' of the 23rd of March last. Although I am not fond of controversy, I cannot pass over in silence the false and calumnious allegations of Mr. Bedford Pim, who is unable to pardon me for having done my duty in preventing him from emitting a loan of 2,000,000*l.* in Paris, on the 26th of December 1872, under the false title of Special Commissioner of Honduras. I say 'false title' because he was never named by the Government, and, besides, the guarantees which he offered were illusory and without value, considering that the domains and forests, like all the other revenues of the State, were already hypothecated for the purposes of the first two loans, English and French, say for 3,000,000*l.* Mr. Bedford Pim declares that if I prevented the loan, it was because he was unwilling to consent to give me 40,000*l.* for myself, and 16,000*l.* for the Consul General, sums which we had caused to be demanded of him, says he, by the mediation of Messrs. Dreyfus Frères, the bankers, and he adds that if he did not consent to give this sum it was because such an act was alien from the habits of English sailors. I will ask Mr. Pim if the end he sought, to draw to himself from the savings of the French nation, without legal authorisation, 2,000,000*l.*, is according to him one of the habits of English sailors. I leave to the Committee the decision on this point.

"The house of Dreyfus Frères, quoted by Mr. Pim, with the object of giving to his declaration an air of veracity, is not known to me. I defy him to prove that I have ever had direct or indirect relations with it.

"As to the charge of having denounced him to the French police to procure his imprisonment, there is no word of truth in it, but it suited Mr. Pim to present himself before his countrymen as a martyr. Encouraged by the marks of sympathy which he obtained at the London Tavern on the 10th of January 1873, when he roused his complaisant audience against me, he thought he could continue with impunity to play his rôle of calumniator against the agents who performed their duty strictly and honourably, and serve as the salaried instrument of those who ruined an international work calculated to render immense services to commerce all over the world—such is the part played by Mr. Pim.

"As to the 70,000*l.* sterling which Mr. Pim says he paid for the arrears of interest on the French loan with the funds coming from the English loan of 1870, that is impossible, seeing that the dividends of the French loan were always regularly paid with the money coming from the Paris loan, of which the following is a proof.

"In July 1870, Messrs. Bischoffsheim & Co. received in bonds and money the amount of the French loan, 28,808,800 francs, and Messrs. Waring Brothers, contractors, had received in March 1,543,275 francs, making in all, 30,352,075 francs, on undertaking to carry out the agreement come to between the Government of Honduras, Messrs. Bischoffsheim, and Waring, on the 2nd of July 1870. I write this to show that the declaration of Mr. Pim is erroneous on this part as on all others.

"That Mr. Pim did not remain longer in prison is through my intervention with His

Excellency Lord Lyons, with whom I interested myself to bring him out on the day on which he wrote the letter enclosed.

"When Mr. Pim naively declares that he resigned his post as Special Commissioner of Honduras, because he could not obtain my dismissal from the Government, that proves that my Government did never nominate him, but had estimated him at his true value. Besides the official decree of the 1st of March 1873, of the President, approves my conduct, and declares that Mr. Pim has never been Special Commissioner, and that no one had the power or right to appoint him.

"I believe I have sufficiently refuted the defamatory and calumnious attacks of Mr. Bedford Pim, and counting on your well-known impartiality, I have the honour to beg you to cause my letter to be published in 'The Times' and the 'Daily News.' Accept the assurances of, &c.

"Victor Herran,

"Honduras Minister in Paris.

"P.S.—If you should desire other information, I shall make it my duty to furnish it to you. I put myself entirely at your disposal."

"The letter sent by Captain Pim from his place of detention was enclosed, and was also read. It ran as follows:—

"Excellency,—I have been arrested and am in prison. I come to beg your Excellency to take the necessary steps to prove that I am the Special Commissioner, which appears to be put in some doubt in the order for my arrest. That an English officer of rank and a gentleman should not remain in this place one moment longer will be sufficient cause, I am sure, for the kindness of your Excellency in causing my immediate liberation. Although I have not the honour to know your Excellency personally, I have the hope that you will act in this affair without delay, if only in the interests of Honduras, of which I am Special Commissioner, and which cannot suffer the indignity of my being one instant detained in an ordinary prison.

"Bedford Pim."

"This letter had been communicated to Lord Lyons.

"This letter was orally translated into English by Mr. Kirkman Hodgson, a Member of the Committee, in presence of the public. After the letter had been thus publicly read, the reporters of 'The Times' and 'Daily News' applied to the Chairman, in writing, to be allowed to see the original letter, in order to correct their report. The Chairman, acting on behalf of the Committee, gave directions that the reporters should see the letter in the Committee Room, but should not take it away. No similar application was made by the reporters of any other newspapers.

"The reporters were allowed to see the letter, because, if published, it was better that it should appear in a correct form.

"As the letter of M. Herran was in substance a denial of the very serious charges contained in the evidence of Captain Pim reported above, your Committee are of opinion that it would have been unjust to the Minister of Honduras, in Paris, to have suppressed his denial of the charges so brought against him, and thus to lead to the inference that they were not capable of contradiction.

"19 April 1875."

Report ordered to lie upon the Table, and to be printed.

Afterwards—

MR. CHARLES LEWIS gave Notice that to-morrow (Tuesday), he would ask the right hon. Gentleman at the head of the Government, Whether he intended to make any Motion on the Report of the Foreign Loans Committee which has just been presented by the right hon. Gentleman the Member for the London University? and, if the answer of the right hon. Gentleman were in the negative, he should take the liberty of asking the opinion of the House on the question of Privilege and as to the contents of that Report.

THE QUEEN v. CASTRO—THE LORD CHIEF JUSTICE OF ENGLAND.

OBSERVATIONS.

MR. BULWER: I desire, Sir, to crave the indulgence of the House for a few moments while I call attention to a statement made by the hon. Member for Peterborough (Mr. Whalley), on Friday night, reflecting on the judicial character of a most distinguished Judge—the Lord Chief Justice of England. I see the hon. Member for Peterborough in his place, and I have given him Notice of the Question I am about to put to him. The House will remember that on Friday there was a discussion of a Petition then before the House. In the course of that discussion the hon. Member said, that the Lord Chief Justice had, on several occasions during the trial of "The Queen v. Castro," in addressing the defendant's counsel, asked this question—

"Have you considered what a disastrous effect, socially and morally, would follow if, after all we have heard from these lords, ladies, and gentlemen to the effect that he is not Tichborne, the jury should find that he is?"

I heard these words imputed to the

Lord Chief Justice with astonishment, but as I knew that all—every word indeed—from the beginning to the end of the trial, had been published, and was in print, I did not suppose that any hon. Member could have made that statement, unless he had been prepared with authority for it. I accordingly asked the hon. Member where that statement was to be found, whether it was in the Charge of the Lord Chief Justice; or in any other part of the proceedings. The hon. Member, thus challenged, replied that he had not spoken of the Charge; but that, more than once during the trial, the Lord Chief Justice had addressed the defendant's counsel to that effect. Of course I could not at the time verify the statement of the hon. Member, nor did the hon. Member himself do so, nor was I prepared to deny it; but the next day I addressed a letter of inquiry to the Lord Chief Justice, whether there was any foundation for the statement of the hon. Member, which was made of course in the absence of the Lord Chief Justice, but to which, if made in his presence, there are not a few in the House at this moment who, remembering him in Parliament, can well imagine what sort of answer he would have given to it. The Lord Chief Justice sent me a reply which I hold in my hand. I do not propose to read it fully to the House, but I will give the substance of it. ["Read!"] Since the House wishes it, I will read it. The Lord Chief Justice writes to me as follows:—

"Court of Queen's Bench, April 17, 1875.

"Dear Mr. Bulwer—I beg to acknowledge the receipt of your letter of this day's date, in which you call my attention to an extraordinary statement made by Mr. Whalley in the House of Commons, in which he asserted that I had on more than one occasion in the course of the trial of *The Queen v. Castro*" addressed to the counsel for the defendant the observation set forth in your letter. The notion that a Judge should have addressed such an observation to the counsel for the defendant is in itself so preposterously absurd and ridiculous that it carries its own refutation with it, and I should have deemed it unworthy of notice; but as I see you are evidently shocked that a Judge, in whose Court you practise as a barrister, should have said anything so monstrous and improper, I feel that I ought not to hesitate or refuse you the means of refuting it. You have my authority and that of my brother Judges for refuting every word of Mr. Whalley's statement. It is not only untrue from the beginning to the end, but is absolutely destitute of the slightest shadow of foundation. I have not only not said

what Mr. Whalley imputes to me, but nothing that by the most reckless perversion could be taken to mean it. I cannot suppose that Mr. Whalley would intentionally misrepresent me; and I presume therefore that his credulity has been imposed upon by some false report. At the same time it is difficult to suppose that any one possessed of common sense could have been misled by a statement so extravagantly absurd. But be that as it may, you have my authority for giving to Mr. Whalley's statement my most unqualified denial."

"(Signed)

"A. COCKBURN."

There is a postscript to that letter, which is as follows:—

"We fully concur in what has been said by the Lord Chief Justice, that Mr. Whalley's statement is without foundation."

That declaration is signed by Mr. Justice Mellor and Mr. Justice Lush, who, having both been present during the whole time, must have known if any such statement had been made either by the Lord Chief Justice, or any other member of the Court. I will not offer any comments to the House upon the letter. It speaks for itself. I trust I have kept my word in not trespassing upon the attention of the House longer than was necessary.

MR. WHALLEY: I recognize, Sir, very clearly in the letter just read the emphatic language of the Lord Chief Justice, and I regret exceedingly that I do not feel myself prepared at once to acquiesce in the contradiction of the statement I made the other evening, and to express to the House—as indeed would be the case—the great satisfaction I should feel if I could conscientiously do so—namely, to avow my regret at having—whether from want of common sense or some other cause—fallen into such an error. I also beg to acknowledge the courtesy of that portion of the letter in which the Lord Chief Justice supposes that I had not invented the statement; but, at the same time, I am unable, notwithstanding that letter is countersigned by the two other Judges, to acquiesce in the condemnation which the Lord Chief Justice and the two other Judges have given, and I do not make that statement merely on hearsay. It was only a few minutes before I entered the House that I received intimation from the hon. and learned Member of his intention to bring the matter before your notice. I thanked

the hon. and learned Member for that intimation; but I wish to point out that I have not had time to make the inquiry which I think necessary. I will only say at present that it is not from hearsay merely that I have made the statement which is now the subject of complaint. I have made it from my own distinct recollection of the reports in the newspapers, confirmed by statements of the hon. Member for Stoke, and re-confirmed by answers I have got from the same hon. Member to questions I addressed to him. I shall, of course, refer to such authority as I can command, and I feel assured the House will allow me as early an opportunity as possible to state the specific authority on which the statement was made, or to offer such apology as I can. In the meantime, I very much regret that when I made a similar statement on a former occasion—when by Notice I brought the question of Contempt of Court and of some of the proceedings at that trial before the House—

["Order!"]
MR. SPEAKER: The hon. Gentleman cannot go into that, as he will be out of Order.

MR. WHALLEY: I will mention the subject again at a future and on as early an occasion as possible.

ARTIZANS DWELLINGS BILL.—[BILL 1.]

(*Mr. Secretary Cross, Mr. Selater-Booth, Sir Henry Selwin-Ibbetson.*)

COMMITTEE. [*Progress 12th April.*]

Bill considered in Committee.

(In the Committee.)

Clause 15 (Formation of improvement fund for purposes of this Act).

MR. RITCHIE, in moving as an Amendment, in page 8, to leave out from lines 40 to 42, inclusive, said, his object in that and subsequent Amendments depending on it, was that the City of London should bear its fair share of taxation for the general improvement of the metropolis, and contribute towards the common purse for that purpose. By the Amendment under notice the Commissioners of Sewers would be struck out of the Bill as one of the bodies to whom power would be given to levy rates for the purposes of this Act within the City. In proposing that, he was actuated by no feeling of hostility to the City or its Go-

vernment Body; but he felt that if the City were to remain as it was placed in the Bill, it would not bear its proper burden of taxation. There were very few unhealthy areas within the City; as large numbers of the working classes had been turned out into the surrounding districts, and the unhealthy rookeries in which many of them lived had been destroyed, so that the City would really have little or nothing to do under this Bill. He had been told that between Ludgate Hill and the River some thousands of people had been turned out; and that the poor rate had dwindled down from 8s. in the pound to one-fourth. He was aware that a considerable portion of this decrease was owing to other causes than the removal of the poor, but this had also contributed to the reduction; that in consequence of the improvements in Farringdon Street and near the Viaduct 40,000 of the poor had been turned out; and that large numbers had been removed from Clerkenwell and Moorfields. Indeed, it had been computed that the number of the working classes turned out of their dwellings in the City during the last 15 years was not far short of 100,000. The accommodation provided for the same class of persons within the City was little or nothing, and, for the most part, the people had to go to the surrounding area of the metropolis where localities hitherto healthy were rendered unhealthy by overcrowding. It was unjust, therefore, that the City should be relieved from its fair share of taxation which must necessarily arise under the Bill, and that injustice was still more striking when it was recollected that the rateable value of property in the City was about one-seventh of that of the whole of the metropolis. If that one-seventh escaped taxation of course the other six-sevenths would have to make it up. In his opinion, if there were one part of London more than another which should assist in providing healthy dwellings for the poor, it was the City, because the City was the head-quarters of business transactions; and he should like to know what class contributed more to business transactions than that immense number of labourers who lived about the Docks and in the borough which he represented. The poor were not the poor simply of the locality in which they lived; but it was

Mr. Whalley

justly considered that the whole metropolis had an interest in and ought to provide what was necessary for, the poorer classes. What did the City say in defence of their position under the Bill? They objected to the Metropolitan Board of Works coming into the City and invading their independence by levying any rates; but it was too late in the day for the City to bring forward such an argument, because the right had been recognized in many instances already under several Acts of Parliament, and there could be no doubt that the metropolis had gradually been treated as a whole for all sanitary purposes, and on all questions affecting the poor. Neither could it be said that the City would in this case be submitting to a Board on which it was not represented, because it formed a part of that Board, and returned three Members to that Body. Further, it was for the general good that, in respect to sanitary legislation, London should be treated as a whole, and beyond that, there was yet another claim which the metropolis had on the City of London. When the City wished to make an improvement within its borders, it came to the Metropolitan Board of Works, laid its plans before them, and submitted estimates, and asked for a contribution towards the expense of carrying out the scheme; and invariably the Metropolitan Board of Works contributed largely—as a rule, one-half—towards the expenses of those improvements. In fact, he found that within the last four years the Board of Works expended on widening and improving streets in the metropolis £403,878, of which the City of London got £202,400, and under all the circumstances, unless the City contributed towards the general purse, it would not contribute its fair share towards taxation under this Bill. He asked the Committee to look at the matter from a just point of view, and he felt sure that if they did so they would arrive at the conclusion that what he proposed was a fair proposal—that it was only in justice to the ratepayers in the surrounding part of the metropolis that the City should be called upon to pay its fair share towards carrying out what he regarded as one of the most beneficial measures we had had for many years. The hon. Gentleman concluded by moving the Amendment.

MR. ASSHETON CROSS, while complimenting the hon. Member for the Tower Hamlets (Mr. Ritchie) on the way in which he had brought the matter forward, regretted to have to differ from him in the conclusions at which he had arrived. Hon. Members must bear in mind that the Committee had already settled by an overwhelming majority that the City of London was to manage its own concerns under the Bill. In the whole of the metropolis there were to be two authorities, who were each within their own jurisdiction to act for themselves, the Metropolitan Board of Works and the authorities of the City of London. He put the question on a broad ground. He admitted that there were a great many Acts of Parliament which enabled the Metropolitan Board not only to levy rates all over London, but also in certain cases to interfere actually in the City itself. In some instances, however, that was not the case; and the sum and substance of the matter was, that practically no rule existed, every case being judged with regard to how the particular improvement could be best carried out. Great improvements had been effected in the City of London, but assuredly much remained to be done. It must be remembered, however, that the land and buildings which would have to be purchased for those improvements would cost much more than in almost any other portion of the metropolis; and by the proposal now under consideration, the City would be involved in unlimited expense. He had in his possession a resolution passed by the authorities of the City of London, that if the Bill became law they were prepared fully to carry it out; but he did not think they ought to have an unlimited purse placed at their disposal for the purpose, which would practically be the case if the Amendment of his hon. Friend were carried. If they said to the City of London—"You may make as many new streets as you like, and you have only to apply to the rest of the metropolis to assist you out of its funds," that arrangement would not be satisfactory. Having decided that the Corporation of the City of London were to do this work, the Committee ought to give it that advantage which every other municipal body in the country would enjoy. It was the greatest Corporation in the world, and if its hands were left unfettered, he had no doubt it

would set an example not only to the other corporations of the country, but also to the metropolis itself.

MR. SAMUDA supported the Amendment. He differed from the conclusions of the Home Secretary. It was true that the Committee had by an overwhelming majority decided that the City should be allowed to manage its own affairs, and he had himself voted that the City should be its own local authority; but it was a totally different thing that it should be exempted from the operation of this measure. A process had been going on by which the poor had been gradually excluded from the City, and the way to rectify that was clearly not by allowing the City to exempt itself from the operation of the Bill. The last piece of land which he had known to have been sold in the City fetched £3,000,000 per acre, and as ground was so valuable there, the City authorities could not apply to the rest of the metropolis for any unreasonable contributions. But they would do what they had been doing so admirably for the last 10 or 12 years—they would pull down dilapidated houses, and build in their place, not dwellings such as were contemplated by the Bill, but warehouses and offices which would make the ground ten times more valuable than it was at present. From a Return moved for by the hon. Member for Hastings (Mr. Kay-Shuttleworth) it appeared that the contributions of the Metropolitan Board to the improvements in the City had been nearly one-half of the entire cost, while the contributions to the other parishes of the metropolis had been only at the rate of about one-third. No one could say, therefore, that the City had been unfairly treated. Nor would there be any fear for the future that the City would not obtain its full share, for it was represented at the Metropolitan Board, and had its full weight with that body. His fear was, that they would have if anything more, rather than less than their full share of the general fund. The representatives of the City at the Metropolitan Board would have a voice in deciding on improvements affecting other parts of the metropolis, and that would be unfair if the City were not to make any contributions. He trusted, looking at the circumstances of the case, that the Home Secretary would give more consideration to the

Motion than his remarks had seemed to promise.

MR. ALDERMAN COTTON said, that it was a mistake to suppose there was no part of the City to which this Act would be applicable. There were 39 places within the City of London which would fall within the scope of this Act, and in which the City would have to improve the dwellings of the poor. In these places there were close upon 16,000 inhabitants; of these 3,944 were in receipt of relief, 764 able-bodied, 796 not able-bodied, and 1,364 children. The City had no desire to escape from its responsibilities; but it was necessary for the purposes of the Bill that the City should be allowed to carry out its own improvements co-existently with the Metropolitan Board. He felt sure that if there should be any rivalry between the City and the Metropolitan Boards in reference to carrying out improvements, it would be an honourable rivalry, tending in both cases to the public advantage. Since 1858 the City had contributed to the Metropolitan Board of Works not less than £584,000, and having performed so many great and important works in the past, they desired no exemption for the future; all they asked was to be allowed not only to pull down, but to build up, as they had hitherto done, on their own responsibility.

MR. LOCKE said, that what had fallen from his hon. Friend who had just spoken sounded all very well as far as it went; but supposing the City should do exactly as it liked, and, unless compelled, would not build houses for working classes at all, though the spaces were cleared whereon such houses might be built? We had been told that the City had already built a great many houses for the working classes; but he had seen many large spaces where there were no houses, excepting a very few, and these were very large and handsome dwellings, not at all suitable for the working classes. Looking at all the circumstances, he did not see that any case had been established at all for making a distinction between the City of London and the other parts of the metropolis, and he should certainly give his vote in favour of the Motion of his hon. Friend opposite.

MR. GOSCHEN said, the Committee had already decided by a large majority that the City of London should carry out

the Act within its own boundaries. It was said that the City would not have sufficient work to do; but if they went to the eastern part of the City they would find there were rookeries enough to engage the attention and absorb the funds of the Corporation, which had already commenced the work contemplated by the Bill, and ought to be left to continue that work in independence of the rest of the metropolis.

MR. KINNAIRD opposed the Amendment, on the ground, that even if the City authorities should fail to provide proper dwellings for artizans displaced in consequence of any improvement which might be made, the Home Secretary had the power to compel them to do so.

MR. KAY-SHUTTLEWORTH supported the Amendment, although he had hitherto supported the Government. He thought there was some exaggeration in what had been said with regard to the vast amount that would have to be done in the City under the Bill. Judging from what had already been done by the City Corporation, in respect to the three blocks of buildings they had already provided, it seemed clear that their policy, if they cleared out these 39 places, would be to erect the blocks of new buildings outside the City boundaries and relieve themselves of all, or nearly all, the charge, by selling the land they had cleared at a considerably enhanced price, whilst the surrounding portions of the metropolis were heavily taxed. On these grounds he thought that it was just that they should contribute to the rates for the rest of the metropolis.

SIR JAMES HOGG supported the Government, on the ground that the House had already accepted, on a division in which he did not vote, the principle that the City was to do its own work under the Bill. He therefore thought the Amendment would be of no use.

Amendment negatived.

On the Motion of Mr. GIBSON, Amendment made in page 9, line 11, after "1872," by inserting "and by 'The Public Health (Ireland) Act, 1874.'"

Clause, as amended, *agreed to.*

Clause 16 (Power of borrowing money for the purposes of the Act).

On the Motion of Mr. GIBSON, Amendment made in page 9, line 36, after "1872," by inserting "or under 'The Public Health (Ireland) Act, 1874.'"

MR. TORR moved, as an Amendment, in page 10, line 19, after "local authority," to insert—

"Or to any body of trustees, society or societies, person or persons, with whom the local authority shall have engaged to carry the whole or any part of such improvement scheme into effect as provided by Clause 7."

THE CHANCELLOR OF THE EXCHEQUER objected to the proposal, on the ground that the Commissioners ought not to be called upon to lend money at a low rate upon any security less certain than that of the rates.

MR. TORR said, he would withdraw his Amendment.

Amendment, by leave, withdrawn.

MR. J. G. HUBBARD, in moving as an Amendment in page 10, line 26, to leave out the words "three and a half," in order to insert the word "four," said, he objected to the system, which had grown up of late years, of the Government lending money for philanthropic and useful objects at a lower rate than the money was worth. He argued that the Government were not in a position to lend at $3\frac{1}{2}$ per cent, seeing that they were not capitalists at all in the ordinary sense of the word, but had to borrow themselves in the first instance. Besides, the Public Works Loan Commissioners had lent moneys to a number of companies for improving the dwellings of the labouring classes at 4 per cent, and he submitted that it would be a great injustice on the part of the Legislature to sanction loans for similar purposes at $3\frac{1}{2}$ per cent. He should therefore move that 4 per cent. should be substituted for $3\frac{1}{2}$ per cent in the Bill.

Amendment proposed, in page 10, line 26, to leave out the words "three and a half," in order to insert the word "four."—(Mr. John Hubbard.)

MR. ASSHETON CROSS defended the proposal of the Bill, on the ground that the country would gain by it.

Question put, "That the words 'three and a half' stand part of the Clause."

The Committee *divided*:—Ayes 199; Noes 10: Majority 189.

MR. GOURLEY, in moving, as an Amendment in page 10, line 30, after "shall" to leave out "not," said, he objected to the unlimited powers which the Act would give them to impose rates, and would move to limit that power to the amount which they had already authority to levy rates.

MR. R. SMYTH thought the hon. Member for Sunderland (Mr. Gourley) had hit upon a serious blot in the Bill. It was surely rather a dangerous power to put into the hands of town councils and local authorities to levy an unlimited tax for purposes of town improvements. As the law stood at present, corporations were limited by their own local Acts of Parliament, and when they wished to carry out improvements they were under the necessity of doing so with the money they had, or else they must go to Parliament for new powers. But here was a proposal to enable a town council to tax the people to an unlimited extent. No doubt the individual Members of Council would vote for a higher rate under a sense of responsibility to the ratepayers; but the loss of a seat in the city or town council would not be a sufficient deterrent to prevent some men from voting away people's money under the provisions of this Bill. He was sorry that the Government could not see its way to impose some restrictions, and if the clause were allowed to stand in its present form, he thought it would be almost a fatal flaw in the measure.

MR. ASSHETON CROSS refused to accept the Amendment, on the ground that if carried, it would prevent many localities from making the alterations proposed by the Bill.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 17 (Audit of accounts) *agreed to*.

PART III.

GENERAL PROVISIONS.

Notices.

Clause 18 (Service of notice on the local authority); and Clause 19 (Authentication of notices served by the local authority), *agreed to*.

Penalties.

Clause 20 (Penalties for obstructing officers in execution of Act), *agreed to*.

Saving Clauses.

Clause 21 (Relation of local Acts to general Acts), *agreed to*.

Definitions.

Clause 22 (Construction of terms of Act.)

On the Motion of Mr. HERSCHELL, Amendment made in page 12, line 4, by inserting after "tenure," the words "and any right over land."

On the Motion of Mr. GIBSON, Amendments made in page 12, by inserting after line 11—

"'Medical officer of health' shall, in the case of Ireland, mean 'consulting sanitary officer.'"

"'Local Government Board' shall, in the case of Ireland, mean 'Local Government Board of Ireland.'"

"'Clerk of local authority' shall, in the case of Ireland, mean 'executive sanitary officer' and acting clerk."

"'Superior Courts' shall mean, in the case of Ireland, 'Her Majesty's Superior Courts in Ireland.'"

MR. ASSHETON CROSS, in accordance with a promise made at a previous stage of the Bill, moved after Clause 8 to insert the following clause—

("Power of confirming authority to modify authorized scheme.")

"The confirming authority, on its being proved to their satisfaction, that due provision has been made or secured for the accommodation in suitable dwelling of as many persons of the working class as may be displaced in the area to which any improvement scheme relates, either in manner provided by the scheme or in some other manner, may permit the local authority to modify any part of an improvement scheme authorized by the confirming Act, which it may appear inexpedient to carry into execution in accordance with such Act."

MR. DODSON asked, whether it was not unusual to give the Government a power to modify an Act of Parliament?

MR. ASSHETON CROSS said, it was necessary to provide accommodation before people were turned out; but a great Company, like that with which the hon. Baronet the Member for Maidstone (Sir Sydney Waterlow) was connected, might get hold of the land and make ample provision. There would then be no reason why the company should be bound by the clause, and there ought to be some power of relaxation.

MR. DODSON suggested that if the power were exercised, it should be under an Order in Council.

MR. ASSHETON CROSS said it had been proposed that the Order should be

made by the Secretary of State; but it was worthy of consideration whether it should not be exercised under an Order in Council. If so, he would cause a Proviso to this latter effect to be inserted.

Clause *agreed to*; and *ordered to stand part of the Bill*.

MR. ASSHETON CROSS moved, after Clause 12, to insert a new clause (Inquiry on refusal of local authority to make an improvement scheme).

MR. DODSON agreed that the clause would put a little more strength into the Bill, but thought, after all, it was a very weak one.

Clause *agreed to*; and *ordered to stand part of the Bill*.

On the Motion of Mr. ASSHETON CROSS, new clauses, before Clause 18, (Provision where local authority has no seal); after Clause 18, (Power of confirming authority as to advertisements and notices); (Power of confirming authority to dispense with notices in certain cases); *agreed to*; and *ordered to stand part of the Bill*.

On the Motion of Mr. TORR new clause after Clause 4, (Provision in case of absence of medical officer of health); *agreed to*; and *ordered to stand part of the Bill*.

SIR SYDNEY WATERLOW moved after Clause 7, to add the following new clause:—

("Completion of scheme on failure by local authority.")

"If within five years after the removal of any buildings on the land set aside by any Provisional Order as sites for working men's dwellings the local authority shall have failed to sell or let such land for the purposes prescribed by the scheme, or shall have failed to make arrangements for the erection of the said dwellings, the confirming authority may order the said land to be sold by public auction, subject to the conditions imposed by the scheme, and to a special condition on the part of the purchaser to erect upon the said land dwellings for the working classes, in accordance with plans to be approved by the local authority, and subject to such other reservations and regulations as the confirming authority may deem necessary."

He said that the object he had in view was simply to compel the authority, should it be necessary, to do that which they had undertaken to do. It was a power of which the necessity could not be doubted, though many occasions for it would probably not arise; but it was

in accordance with the objects of the Bill, and he thought there would be no objection to it.

MR. ASSHETON CROSS said, the proposed clause was free from the objections he had stated in the former Amendments which had been brought forward on the same subject, and he was willing to accept it. He must, however, repeat his belief that the scheme would be in full operation before the necessity for resorting to the clause could arise.

Clause *agreed to*; and *ordered to stand part of the Bill*.

MR. RATHBONE moved the insertion after Clause 16, of a clause empowering the Court of Chancery to authorize loans of the funds of charitable trusts for the purposes contemplated by the Bill.

THE ATTORNEY GENERAL said, he must oppose the Motion, for the reason that, under the law as it stood, application might be made to the Court of Chancery with a view to such an application of trust funds as the hon. Member suggested. It was undesirable to legislate in a partial manner with reference to the disposal of trust funds by means of a clause in a Bill like the present.

MR. DODSON said, he also doubted whether the clause was sufficiently germane to the purposes of the Bill to enable it to be entertained by the Committee.

Clause, by leave, *withdrawn*.

MR. FRESHFIELD moved that, after Clause 21, a clause should be inserted authorizing a local authority to give compensation, where it saw fit, to the owners of premises which were demolished as unfit for human habitation under the powers of the Artizans' and Labourers' Dwellings Act of 1868. By the 20th section of that Act it was provided that when a house was unfit for human habitation, and the owner had notice of it and did not take the house down, the authorities had power to take it down, sell the materials, and give back the balance, less expenses to the owner. Now that was a very harsh proceeding, and had been the means of driving very poor persons into the workhouse. He proposed to give power to the local authorities where they thought fit, to pay the maximum value of the property to be pulled down, according to

the principle of the present Bill, that was, without further compensation.

THE CHAIRMAN intimated to the hon. Member that if the clause was carried, it would be necessary to alter the principles of the Bill.

MR. ASSHETON CROSS said, that he also was of opinion that the clause was foreign to the objects of the Bill as described in the Preamble, and he was still of an adverse opinion in reference to it, as he had been before.

Clause negatived.

MR. SHAW LEFEVRE moved a new clause, to enable the local authorities to recover from the petitioners against a scheme, the costs of promoting the Order, when a Committee of either House of Parliament confirmed such Order without Amendment.

MR. ASSHETON CROSS said, he must object to the clause in its then form, considering there should be a discretion.

SIR ANDREW LUSK objected to what he called sentimental legislation, which seemed to be the tendency of some of the Amendments.

MR. ASSHETON CROSS said, he was opposed to sentimental legislation as much as any one.

MR. DODSON said, he preferred leaving the law of costs as it now stood with reference to Provisional Orders.

Clause, by leave, withdrawn.

Schedule.

MR. KAY - SHUTTLEWORTH in moving, as an Amendment, in page 20, line 9, to leave out from "where the party" to "transferred," in page 21 line 26, inclusive, said, he did so with the object of striking out that part of the Schedule which provided that there should be an appeal from the decision of an arbitrator to a jury. If the Bill broke down, it would be on account of the numerous stages through which a claimant for compensation would have to pass, for the previous part of the Schedule provided that the value of the land taken for the purposes of the Bill should be decided by an arbitrator, and then after the arbitrator had given his award, had sat upon that award, and given his final award, there was to be an appeal from that to a jury. It was like having an appeal from the House of Lords to a jury at quarter sessions, or an

appeal from a High Court to a police court. At a recent discussion at the Institution of Surveyors, this provision was condemned, and it was pointed out that though a jury might be the proper body to deal with a question of right or wrong, they were not the proper body to deal with a question of value, and amongst those with whom he had conversed on the subject he had heard a unanimous expression of opinion against such an appeal. The Home Secretary proposed that this appeal should be confined to cases where the award did not exceed £500, or, in fact, to cases where a jury was the least capable of deciding. He (Mr. Kay-Shuttleworth), however, trusted that the right hon. Gentleman would see his way to striking out that part of the Schedule.

THE SOLICITOR GENERAL, in opposing the Amendment, said, it seemed exceedingly desirable that the person whose land was to be taken from him should be satisfied as to the persons who were to decide upon the value of such land. If the decision was under the Lands' Clauses Consolidation Act, he would have the option of a jury or an arbitration; but under the Bill an arbitrator was to be appointed, and it might be that the arbitrator would turn out to be one who had a very low estimate of the amount of compensation that ought to be given for the property that was taken, and, if so, it would be extremely hard, if he had no remedy in the shape of an appeal. The hon. Member who had just spoken appeared to have a very mean opinion of the decision of a jury; but from his (the Solicitor General's) own experience, he would much rather have the opinion of a jury than that of an arbitrator. A jury was likely to come to a fairer and more moderate conclusion than an arbitrator was.

SIR ANDREW LUSK said, he was opposed to conferring such powers on an arbitrator. He was generally an individual who had a higher opinion of himself than others entertained for him. They all knew what a barrister of seven years' standing was who accepted such an office. He objected to trust to one man to put everybody to rights.

MR. SHAW LEFEVRE said, the appeal was given to the local authorities as well as the owners of property. He was opposed to the Amendment, for he did not think it would be safe to leave the

Mr. Freshfield

decision in such cases absolutely to the mercy of an arbitrator.

Amendment negatived.

On the Motion of Mr. ASHETON CROSS Amendment made in page 20, line 13, after "payable," by inserting "and such amount exceeds five hundred pounds."

Consequential Amendments made.

Schedule, as amended, *agreed to.*

House resumed.

Bill reported; as amended, to be considered upon Monday next, and to be printed. [Bill 126.]

PUBLIC HEALTH BILL.—[Bill 55.]

(*Mr. Selater-Booth, Mr. Clare Reed.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Selater-Booth.*)

MR. LYON PLAYFAIR: The Bill now before us is perhaps the most important measure with which we have to deal this Session. I do not refer to its bulk alone, though that is great enough, with its 333 clauses and 28 pages of Schedules. I view it as of great importance in both its aspect, as a Bill for consolidating and a Bill for amending sanitary law; because both these purposes may produce results for good or for evil of great consequence to the general welfare of the community. In discussing this measure as shortly as I can, I crave the indulgence of the House, because I was one of the Health of Towns Commissioners of 1846, from whose labours have arisen most of the existing legislation for the promotion of public health. Unquestionably, the law is now cumbrous and complex. It is scattered in 29 statutes, so that even a lawyer has difficulty in knowing the powers conferred by the law. The concentration and simplification of this law form a subject worthy of the attention of the House. If the object of the consolidation of the 29 separate statutes is to prepare the way for the future amendment of sanitary law, which is at present highly unsatisfactory, this Bill would be welcomed by all sanitary reformers, and I am sure the House would respond to the appeal of the right hon. Gentleman the President of the Local Government

Board, which he made to us in introducing this measure, that we should not view its clauses in the critical spirit which we are accustomed to apply to new legislation. But this Bill is not simply one of consolidation; it is also one of amendment. This combination of two purposes induces us to inquire whether it is not intended as the fulfilment of the promise given by the present Government when it came into power—that it would devote itself to the amelioration of the health of the people. If that is so, the Bill is not a mere preparation for future legislation, but is the promised legislation itself. This view of the matter is much more serious, and is rendered probable by the words used by the right hon. Gentleman when he introduced the Bill. In fact, his speech, if it did not describe the measure as one of finality, at least, indicated it as one of long permanence. His words were, "As far as the Government could see, there was no further need for fresh legislation upon the subject;" and again, in describing his Amendments, he said—

"It is necessary to introduce them now, because it would obviously be inconvenient to touch the law on the subject for a considerable time."

Viewed in that light of permanent sanitary legislation, I do not think this Bill in any sense fulfils its purpose. If we are to spend week after week in considering its 333 clauses, in order to render sanitary legislation efficient and permanent, the Government must be prepared to discuss and consider Amendments of a far more serious character than the few and inadequate Amendments which they have introduced into this measure. For it is a matter of great difficulty to settle law upon unsettled foundations, and the foundations on which this Bill are built are altogether unsettled. By far the largest part of it is devoted to the laws relating to the constitution of local authorities, their areas of administration, their powers, and their methods of procedure. Is this settled law? Is it not one of the most solemn promises of the present Ministry that they are to reorganize local government? At present the areas of local authorities are fragmentary, bounded neither by counties, parishes, nor natural watersheds, while their duties as to local government are divided without meaning between diverse authorities in the same district. Are we

to understand by this Bill either that the promises as to the reform of local government are altogether illusory, or that we are to devote a large portion of this Session to the consolidation of law which is likely to be wholly upset next year, if a large measure of local government be really brought forward? In either point of view, the prospect before us is unsatisfactory. As to the amendment of sanitary law proposed in the present Bill, I see nothing in it worthy of our attention. For if the law regarding local government which constitutes the bulk of the Bill cannot be deemed settled law, undoubtedly the law relating to sanitary powers contained in the third division of the Bill must be considered as unsettled in the highest degree. In the first place, it deals with a subject-matter in which our experience is growing from day to day; and, in the second place, the law as it stands has been found in the working to be inoperative and illusory. Consolidation of such unsettled law in any measure aiming either at finality or permanence is positively prejudicial, because it tends to stunt the natural growth of a growing subject. Bacon has pointed out this evil when he says—

“When knowledge is once comprehended in exact methods, it may perchance be further polished and illustrated and accommodated for use and practice, but it increaseth no more in bulk and substance.”

This is what I fear if we pass the Bill. Our public health in England is so low that we suffer annually 125,000 preventable deaths, and have 3,000,000 or 4,000,000 of serious cases of preventable sickness, weakening the industrial powers of the survivors. Existing law has proved powerless to mitigate these evils, either from deficient administration or from ineffective powers. Allow me hastily to show how unsettled and inefficient are the sanitary provisions which we are now asked to stereotype into permanent law. The 1st section of Division III. relates to sewerage. But the future of our proceedings in regard to sewerage must depend upon the nature of the measure promised in the Queen's Speech upon the pollution of rivers. If that measure prohibit, as it ought to do, the use of rivers as means of getting rid of sewage, the whole law and practice of sewerage will be profoundly altered, and the consolidation of

the complex law on this subject will have been useless. I pass rapidly on. The law relating to water supply is amended by the Bill in Clauses 57 and 59. But the powers for water supply in rural districts are wholly insufficient, and rural authorities are continually making representations on this head; yet the old law is to be stereotyped in a measure which leaves rural districts out in the cold. As regards the law of nuisances I would remark that the Bill exempts from its operation some of the most important industries, as the factories, obviously because they are under distinct administration, which, however, is not a sanitary one. Whether this is wise I will not stop to inquire; but I am quite sure it is not wise to exempt, as this Bill does, some of the most offensive accumulations of manufactures from the operation of the law. I would also say in passing, that I regret that no improved definition of a nuisance has been given in this Bill. The Legislature intended that anything should be deemed a nuisance which was offensive to the community or injurious to health. But a recent decision of the Court of Queen's Bench requires the injury to health to be established; and as this is often difficult of proof, the law is scarcely workable in its present form. I pass rapidly to the section on infectious diseases. No section of a Health Bill could be more important. The law as it stands is consolidated with scarcely any attempt at amendment. But is the existing law operative? In answer to that I will quote a passage from the Report of Dr. Child, the intelligent Medical Officer of Health in Oxfordshire. He says—

“As to the powers at present possessed by sanitary authorities and their officers of dealing with infectious disease . . . it is not possible to imagine anything more illusory than the supposed powers now possessed by them.”

Well, we are called upon to re-enact these illusory powers without amendment. I am wrong: there is an Amendment in regard to the provision of mortuaries, and the removal of dead bodies to them. But if my right hon. Friend, who has shown such courage in regard to the dead, had shown like courage in respect to the living, we might have welcomed his stereotyping of efficient laws for the prevention of infectious disease. But to stereotype ineffective and illusory law is absolutely mischievous.

Mr. Lyon Playfair

The Bill of 1872 introduced by my right hon. Friend the Member for Halifax (Mr. Stansfeld) went much further for the protection of the living than this Bill, which simply re-enacts illusory powers. Within the last few years our knowledge regarding the modes of propagation of infectious diseases has largely increased. Let me quote a couple of cases, both of which came under my own observation. A woman in a dairy, recovering from scarlet fever, milked the cows, and introduced scarlet fever into forty families which she supplied with milk. One of these houses was a school, and it broke up in consequence of the disease, sending its scholars, without any attempt at disinfection, to different parts of Scotland. New foci of disease were established by the seed thus sown broadcast, and scarlet fever became general. Would it have been an improper use of law, if the dairy woman, in the first instance, had been restrained from spreading the infectious disease under which she suffered? Would it have been an unwise sanitary provision, if simple and well-known methods of disinfection had been applied, under a skilled officer of health, to the persons and clothes of the scholars, before they were sent as infectious centres throughout the country? That instance of the distribution of infectious disease occurred in Scotland; but another example in which there were several hundred cases of attack, chiefly in Marylebone, occurred in the metropolis less than two years ago, and will be in the memory of the House. A dairy company received milk from a country farm in which a man had died from typhoid fever. The drainage of the house found its way into a well, and the water of this well became mixed with the milk. Many of the houses furnished with this milk were also supplied with typhoid poison, which suddenly appeared apparently as an epidemic in the best parts of London. Both these cases are instances on a large scale of the distribution of contagium from a single source which ought easily to have been prevented. But the law as it stands provides no remedy against such wholesale cases of infectious poisoning, either through food or water, and the latter is a most common source of spreading disease. It is quite true that the foundation of such legislation is scarcely laid in this country, and yet methods for

isolating the sick and for preventing the spread of contagium are to be found in the Mosaic records. Still we are now only groping our way to legislation on this subject. The country should not believe that the consolidation in this Bill, of inefficient and illusory powers scattered throughout various statutes, will put us in possession of a code of value. There are the usual clauses for the prevention of epidemics; but they are founded on the existence and general prevalence of disease, and they aim rather at their wider extension than at their prevention. In the administration of the Poor Law, it is not necessary that there should be many cases of starvation before relief is given to the poor. But in the prevention of disease it is assumed that there ought to be many deaths before you presume to stop the ravages of disease upon the living. The Local Government Board acts well as a central audit for the accounts of the Boards of Guardians in the relief of the poor, but it neglects its duties as a central audit of death accounts throughout the country. It does not dream of inquiring why one population has double the mortality of another, and does not draw the attention of local authorities to their reckless extravagance in permitting their death accounts to rise so fearfully. That would be a central audit worth having, and there is a medical officer attached to the Central Board eminently qualified to perform it; but the notion of such duties does not fall within the conception of a Board administered according to its official notions. Yet, after all, deaths form but a crude index of the disease which has been at work. As a mariner does not delay to trim his vessel until the storm has done its work, and cast its wrecks upon the shore, but forecasts the storm, and prepares himself for it, so should a Department of State medicine, by watching the risings of disease in districts, give the local authorities timely warning of the coming storms. The measures to enable them to ride through these storms are neither occult nor difficult; but the law does not enable them to be applied. For this purpose a knowledge of the existence of disease in a locality is required. But existing law does not provide that the medical officer shall necessarily be informed in regard to disease, even when treated at the public expense, and far

less in that occurring in private families. So that by the time his attention is awakened to the existence of a preventible disease, its diffusion has become so general as to be beyond the powers of restraint. The Bill is not improved on this point, for it simply proposes to re-enact powers which experience has shown to be illusory. I have only one other subject on which I propose to touch, and that is the law relating to medical officers of health. The clauses relating to them are numbered 184 and 278. The medical officers of health are more and more becoming the motive powers of sanitary legislation. In the Artizans Dwellings Bill of this year, they form the primary motive power. Hence the regulations regarding them in any general Health Bill are of paramount importance. Now, is the present law, in its relations to medical officers of health, satisfactory to any one—to the local authorities, to the public, or to the officers themselves; or does the Bill introduce Amendments calculated to render the law more comprehensible and more operative for good than it now is? See how the case stands. When my right hon. Friend the Member for Halifax (Mr. Stansfeld) passed his great measure of sanitary reform, he had to deal with difficulties which can now easily be depreciated, but which then were formidable. He found sanitary laws in chaos, and executed a great work in reducing them to some sort of form. The whole country was organized into sanitary districts, of which there are now 1,500, each with its appointed medical officer of health as the agent for disease prevention. All these districts were brought into relations with the central authority, and had to be instructed in their duties. Hence it was inevitable that considerable friction and even confusion should exist in organization. The local authorities had very varying ideas of their duties and responsibilities. Some were highly intelligent, and combined with neighbouring authorities to appoint a joint medical officer of skilled qualifications for his work. Others tried to defeat the law, and to this day a certain number of the local authorities decline to obey the law, and have refused to appoint medical officers of health. Other local authorities evaded the law by mock appointments, giving the medical officer £5 or £10 a-year, while the combined

districts were giving £800 per annum. Some profess to pay by piece-work—that is, by guinea fees, and take care that no demand for work arises. In fact, in the administration of the law there is no uniformity, and complaints are made that the form of the law makes good administration impossible. The Sanitary Commission, presided over by my right hon. Friend the President of the Board of Trade (Sir Charles Adderley), had recommended that the Poor-Law medical officers should be made health officers, and looked to some 4,000 appointments. But they forgot that the knowledge of the prevention of disease requires a special training, and is rarely communicated to those studying for the cure of disease. Hence, to get 4,000 medical officers of health was a medical rhapsody. I am not complaining because this law did not fix salaries. The local authority—that is, the purchaser of the commodity, may safely be left to fix the salary of the medical officer, provided the Local Government Board had fixed his duties and qualifications. In such a case, the market value of a medical officer's services would soon have adjusted itself by the law of supply and demand. But the law neither insists nor provides for qualifications in the officers to whom such important duties are entrusted. In minor matters the law is very careful as to qualifications. The Local Government Board insists that a public vaccinator must be qualified, so must a public analyst under the Adulteration Act. But in the great subject of State medicine, applied to the preservation of our lives, when our health and the expenditure of heavy rates is involved, the moving power—the medical officer of health—may be entirely ignorant of his public duties, for the law requires no qualifications. Before the compulsory appointment of medical officers of health there were few indeed in the country, but their names had a meaning. They were persons of skilled technical knowledge of State medicine, like Dr. Letheby of London, Dr. Trench of Liverpool, Dr. Littlejohn of Edinburgh, and the like—men who knew their work, and did it. But the compulsory law destroyed this meaning; for it neither made mention of distinctive qualifications or duties, nor did it give power to the Local Government Board to fix them. It was as if the law had

said to the local authorities—You are to appoint an algebraic X as your medical officer of health. His functions are unknown to you; they are equally unknown to us. Nevertheless, the law says you shall appoint your X as you best can. Is it surprising, under such circumstances, that the existing law has produced dissatisfaction to every one—to the local authorities, to the public, to the officers of health? The late President of the Local Government Board (Mr. Stansfeld) hoped to induce the local authorities to appoint efficient men by offering to pay half the salaries from Imperial funds. This was a good conception; but none of us calculated on the apathy of the local authorities, who found it cheaper and pleasanter to pay a doctor £5 to do nothing, than to pay the moiety of £100 to an active reformer of local abuses. The Local Government Board then tried to get better men by combining districts to appoint medical officers. They were, indeed, appointed by combined authorities; but the law gave no powers of management to these authorities after combination; so the medical officers were under the management of inconsistent and uncombined authorities—that is, practically they were under no management at all. If they were able and energetic men, they made abundant work for themselves, in spite of the defective provisions of law. Some of them have as much as 1,000 square miles to super-
vise; others have a single parish. In the first instance, the medical officer is an inspector general of health, with no definite relation to any sub-inspectors. The Poor Law medical officers might usefully be employed in such a relation, but the law does not allow it. Now, Clause 278 of this Bill tries to remedy this defect. Its purpose is to bring the local officers of health to the aid of such a general inspector. But this proposal is either too much or too little. It is too much in its present form, for it gives the Local Government Board the power to require two medical officers in each district, when the old law gave powers only to appoint one. It is too little in the interests of either efficiency or economy, for it does not define the extent of districts and does not give powers for united management when they are formed. Why not appoint such general officers of health for the county, as in the case of county analysts? Or, if you are

not prepared for that, make the officer of health purely local, while the medical inspector over a large area might be an officer paid by, and responsible to, Government. But the new Amendments do not remove the confusion from the present law, and do not help us one step forward in more efficient local government. I have now done. My object has been to show that sanitary law, in its existing state, is not adapted for consolidation, if that consolidation has any pretension either to finality or permanence. The right hon. Gentleman the President of the Local Government Board may be in the confidence of the Cabinet, and know that the re-organization of local government is so distant that it would be useless to wait for it before he consolidates the laws which now relate to local authorities. If the reform of local government be beyond the powers of the Administration, then the laws relating to existing areas and procedure, which form the bulk of this Bill, may be consolidated with advantage. But do not let us stamp into permanent consolidated law the agglomeration of confused and illusory powers which relate to the prevention of disease, without making a serious effort to amend them. The present Government are especially pledged to the amendment of sanitary law. The Prime Minister used these remarkable words in his speech at Manchester—

“I think public attention ought to be concentrated on sanitary legislation. I cannot impress upon you too strongly my conviction of the importance of the Legislature and society uniting together in favour of these important results. After all, the first consideration of a Minister should be the health of the people.”

It is no fulfilment of this important pledge to ask us to consolidate law which is confused and inoperative, without Amendments of a serious character. The country has spent much money for the improvement of its sanitary condition. What are the results? They are not apparent to us. Some attribute failure to defective administration; others to defective law. Which is true? What the country desires is that preventable disease should be prevented. There are no Reports from the Local Government Board to show that this result is in any way achieved or in course of achievement, and for no less object ought local authorities to be harassed by a central government, and be made to expend

Imperial taxes and local rates for objects which we have no evidence are attained. If administration is at fault, let it be improved. If law is defective, ask Parliament to make it effective and operative. But do not let us delude the country with the hope that we are about to improve the state of public health, because we are called upon to consider a mass of crude and undigested law, brought together into one Bill of Consolidation without attempt at serious amendment. Such a Bill may save local authorities as well as the Central Board some trouble; but it is not likely in any way to ameliorate disease or to save the community from any notable portion of its annual loss of 125,000 preventible deaths. If, however, the Bill, notwithstanding the finality speech of the right hon. Gentleman, be brought forward simply for the purpose of broadening the foundation on which future sanitary law is to be built, then with every sanitary reformer I will welcome consolidation. But I conceive it would be wasting the time of this House to ask us to go to the serious consideration of this Bill in Committee as any settlement of the demands for sanitary reform, when it simply repeats law which has been found so inoperative, without amending it in any important points.

MR. RATHBONE said, he agreed with the right hon. Gentleman the Member the University of Edinburgh, in thinking that the present Bill would be useful as a consolidating measure, but that it could not be regarded as offering a settlement of the laws relating to the health of the people. He trusted that both parties would allow it to pass as a Consolidation Bill, without much discussion, and that the opportunity would shortly be given to the House to consider other Amendments of a more important character with reference to the subject, which might have a more important effect on the sanitary condition of the country. In his opinion, there was a decided objection to the omission, as the right hon. Gentleman the President of the Local Government Board proposed, of the 3rd clause of the Bill.

MR. SCLATER-BOOTH said, he was not at all disposed to quarrel with his right hon. Friend opposite (Mr. Lyon Playfair) in respect of the observations he had made upon the details of the Bill, or to shrink from accepting the

challenge which he had thrown out. The right hon. Gentleman had, however, quite misunderstood the remarks which he (Mr. Sclater-Booth) had made in introducing the Bill. He would not, at that time, discuss the general question in its details; but he might say at once that the Bill was not intended to stereotype the existing law, and that it was not taken up in fulfilment of any engagement made by the Prime Minister. Nor had it been introduced with the slightest idea of interfering with those measures of local taxation which the Government expected to deal with by-and-by. It was primarily a Consolidation Bill and, as such, would no doubt clear the way for the adoption of those reforms in the existing law which the right hon. Gentleman had indicated. The Government did not intend, at the present moment, to propose any violent changes in the sanitary legislation which had been so recently adopted, because they saw no prospect of carrying them into effect either this or, it might be, the next Session, and the best policy, in their opinion, was to put forward in a presentable point of view, equally comprehensive and intelligible, the whole of the existing sanitary laws. In performing this task, however, they very soon found that it was absolutely necessary to insert Amendments, in order to reconcile the conflicting and sometimes unintelligible provisions of the various Acts passed since 1848, and thus the Bill assumed its present form. He believed it would be found a good starting point from which to survey past sanitary legislation and a good foundation for future improvements. In framing it he had had in his mind the results of consolidation as affecting the Acts relating to discipline in the Navy. A Bill was passed in 1861 which brought into one focus, so to speak, the provisions of eight or ten previously existing Acts on that subject; but it was not until 1866, after undergoing various changes, that the Naval Discipline Act assumed its complete shape. If the present Bill, therefore, was passed, he would not shrink from proposing such further Amendments as might be shown to be necessary. He ventured to submit to the right hon. Gentleman that that course was the best which could be pursued under the circumstances. With regard to the right hon. Gentleman's remarks

Mr. Lyon Playfair

about the unsatisfactory state of sanitary law, he might say that, in his opinion, a great deal had been done of late years. Instead of the general apathy which formerly prevailed with regard to sanitary measures, they found local authorities everywhere bestirring themselves for the public good. That was a fact upon which he thought they had good reason to congratulate themselves. His right hon. Friend was very anxious to have a set of competent medical authorities throughout the Kingdom. In that direction, too, very considerable strides had been and were being made, excellent Reports being issued under the direction of the Local Government Board for the instruction of medical officers throughout the country. With regard to the prevention of disease, he believed a good deal would be done by the local authorities, when they were once alive to the necessities of the case; but he thought his right hon. Friend a little forestalled the opinion of the country in the matter, and was in too great a hurry to believe that private individuals were anxious to be controlled and directed to the extent he suggested. The public, however, was being rapidly educated in these matters, and there was great reason to be satisfied with the progress that had been made. The Public Health Act, which constituted the local sanitary authorities, was only four years old; but a very gratifying amount of work had already been done under it. The great difficulty in administering from a central office powers which interfered to some extent with local self-government must be familiar to every hon. Gentleman; and they must all feel that although the Local Government Department possessed a great deal of persuasive power, and no small amount of compulsory power, it was unable, and would, he believed, always be unable to direct in detail the action of the local authorities. With regard to the substantial Amendments of which he (Mr. Selater-Booth) had given an indication, one-half were directed to that particular portion of the Bill to which the right hon. Gentleman opposite had referred. He certainly looked forward to a Consolidation Bill passing, as it were, through several successive editions before it reached its final shape. Amendments which practical experience showed to be required, not going to the foundation of the measure,

but rather intended to make it work more smoothly, might be dealt with in the Bill as a whole; and if it should pass with those Amendments, he thought the House would have done a considerable work, and one which would be sufficient for the present Session. The Amendments he would propose were explained in a memorandum which would be circulated among hon. Members. They were of a supplementary character merely, and he would deprecate any proposals to make radical changes in the existing machinery of the law. As to the manner in which the Bill had been drawn up, it was only right he should say that in the numerous communications he had received from all parts of the country, offering an endless variety of suggestions, the opinion was nowhere expressed that the existing law was not set forth by the Bill in a clear and proper manner. It was natural for Governments to view Consolidation Bills with some horror, for there was a danger of every clause being discussed at a length which would make progress impossible. He hoped the House would agree with him in thinking it was desirable to confine themselves to moderate Amendments in the present instance. He should, however, be happy to give his best attention to the suggestions thrown out from all quarters, and would take every opportunity of making such improvements and additions as might be thought of a reasonable character. He agreed with the hon. Member for Liverpool (Mr. Rathbone) that the experiment that they were now trying with regard to the consolidation of the law was of an important character, in this respect, that it might afford a precedent for future legislation of a similar kind. If the House should be of opinion that this plan of consolidating the law was a plan worth trying, no great harm could come of it; but, on the contrary, the amendment of the law might be enormously facilitated, and on so interesting and important a subject as the sanitary legislation of the country they might lay a foundation for dealing with the Poor Law Acts and others of a similar character which had hitherto been brought before Parliament in a piecemeal manner. He believed the result of such legislation would be of great benefit to the country.

DR. LUSH trusted that the House would not only read the Bill a second time, but would aid the right hon. Gentleman in Committee in making it as perfect as circumstances would allow. His experience of sanitary matters led him to believe that the country was not yet ripe for any large measure of compulsory sanitary legislation. The consolidating portion of the measure was very important, and the amending portion contained some points which might prove of great benefit to the country. The right hon. Gentleman the Member for Edinburgh University (Mr. Lyon Playfair), complained that the Bill was not strong enough or coercive enough. He was as anxious as the right hon. Gentleman could be for strong and coercive legislation; but he held that any attempt by means of harsh legislation to force on the country provisions for which it was not ripe would not be attended with success.

MR. STANSFELD desired to know whether or not his right hon. Friend the President of the Local Government Board was to be understood, speaking not of this Session, but of the next, to intimate that no further action would be taken by Her Majesty's Government with reference either to sanitary questions or questions of local government.

MR. SCLATER - BOOTH explained that what he meant was that the Government, in introducing this Bill, had no special object in view which would interfere with any measure of local reform which they might think fit to bring forward this Session or the next.

MR. STANSFELD said, he was quite satisfied with the explanation. There were some points in the speech of his right hon. Friend the Member for the University of Edinburgh (Mr. Lyon Playfair) which he felt bound to notice, owing to his former connection with the Local Government Department, and to the fact that he had introduced the Public Health Act of 1870. His right hon. Friend had said that the sanitary authorities were scattered and the areas indefinite. He (Mr. Stansfeld) entirely differed from his right hon. Friend. The sanitary authorities were not scattered, and the areas were definite. The whole country was covered by sanitary areas, none of them overlapping; and there was one sanitary authority and no more for every sanitary area. His right hon.

Friend had taken some exception to the appointment by joint authorities of medical officers of health over large areas, and seemed to prefer that each of the 1,400 or 1,500 sanitary districts of the country should appoint its own medical officers of health, who should be superintended over larger areas by officers appointed by the central authority. He was bound to take issue on that point with his right hon. Friend. When he introduced the Public Health Act of 1870 he pledged himself to the principle of local government, and he remained true to that principle in the administration of the Act. His right hon. Friend who spoke last (Mr. Sclater-Booth) very wisely said that all these measures ought to be considered as educational measures. That was essentially his (Mr. Stansfeld's) view. He did not believe that we could make people healthy, either in their houses or their lives, by Acts of Parliament or by centralized authority. He believed in educating and training the local authorities to take care of their citizens, and he was content, whatever pains and labour might be necessary in order to accomplish that object, that Parliament, the law, and the State should educate the localities to fulfil that function. Had the lines of the Public Health Bill of 1870 been drawn upon a purely scientific conception, as to the instrumentality which might be considered the most potent for giving effect to the measure in the short period of four years during which it had been in operation, we should have had a reaction over the whole country against the progress of sanitary legislation; whereas, he would refer with confidence to the Reports of the Inspectors of the Local Government Board to show that very great practical progress in sanitary operations had been effected, and still greater progress in that educational sense in which he had spoken of training localities and their local administrators in the administration of the law. He was quite conscious of the variety that would exist when he passed the Bill. He accepted that variety as part of the educational character of the work. Without such variety, we should have no sanitary education in the administration of the law. But though he had foreseen and accepted that variety, he was not without definite hope of what it would bring forth. His right hon.

Friend the Member for the University of Edinburgh had expressed his belief that the appointment of medical officers of health on the half-pay system had, generally speaking, been a failure; but he (Mr. Stansfeld) did not admit that, and he did not think the President of the Local Government Board would confirm it. He did not rely upon it as a temptation or bait, and he never attempted to exercise any pressure on the local authorities, who were left perfectly free to take their own way in the appointment of medical officers of health under the obligation imposed upon them by statute; but it was only fair that if the central authority—the Government of this country—was to pay half the salaries of these officers, it should have some share, not in the individual appointments, but in the indication of the area for which the appointment should be made, the terms of each appointment, and the salaries to be paid to the medical officers appointed. He would now say a word or two on the Consolidation Bill of his right hon. Friend. He persisted in calling it a Consolidation Bill. His right hon. Friend called it an amending Bill as well; but, in his (Mr. Stansfeld's) opinion, there could not be a Consolidation Bill which was not also an amending Bill. He understood that his right hon. Friend would, without loss of time, put them in possession of the Amendments, so as to enable them to know what was purely consolidation and what was amendment of the law. But the Amendments he said were slight, and he asked the House to accept the Bill as a Consolidation Bill. The Bill consisted of 333 sections, and if it was not essentially consolidation, and accepted as such, if they were to discuss it clause by clause there could not be the slightest chance of passing it this Session. Treating it as a Consolidation Bill, he had examined it with sufficient care to be enabled, and he felt called on, to say that it was an accurate and reputable piece of work and would be an extremely useful measure. His right hon. Friend had not spoken of it as a finality Bill; but by the consolidation of the law it would accomplish two great practical objects of the greatest importance—making, in the first place, the law more intelligible in administration, and, secondly, what was of still more importance, would facilitate its future progress and amendment; and for these

reasons he heartily approved of it, and hoped the House would advance it with rapidity so as to pass it this Session.

MR. STEVENSON said, that in dealing with the question they would have to take the rateable area. The railways might first of all be assessed, and then the amount for each parish might be taken.

MR. SPENCER STANHOPE approved the Bill, but it being a very large and important one, he hoped hon. Members would have the promised explanations and Amendments placed in their hands as soon as possible.

COLONEL BARTHELOT said, he thought it was rather a difficult thing to say whether they approved or disapproved of a Bill containing 333 clauses. He wished to know whether he was correct in saying that the right hon. Gentleman the President of the Local Government Board had stated that he was anxious that Government Medical Inspectors should supervise all the local medical officers? If that was the desire of the right hon. Gentleman, it was not shared by the country. The local authorities were perfectly willing, in cases of difficulty, to appeal to the central sanitary authority. If it was the intention of the Local Government Board to insist on having a central authority of medical officers, he felt certain that it would be the most unpopular thing ever attempted throughout the length and breadth of this country. He wished also to know whether his right hon. Friend had attempted to amend that which was known to be an evil in the last Bill—namely, the power of a small town to call upon agricultural districts outside to make a sanitary improvement for the benefit simply of that small town? Was there any provision in this Bill which would compel small towns, say such as contained not more than 2,000 inhabitants, to pay the whole of the expense of any sanitary improvements that might be made in them? It was manifestly unfair that they should be able to call upon outlying districts to pay for such improvements. He wished his right hon. Friend, further, to state which portion of this Bill was new matter, which part was contained in the old Bill, and which was the consolidating part of this Bill. Before they consolidated and amended the present law, they should ascertain whether or not they

were going, by too rapid strides, towards that sanitary improvement which so many people thought desirable for this country. No doubt, it was desirable; but the people of the country were not prepared to advance in the matter with those rapid strides which some persons thought absolutely necessary. We ought not to advance at a pace which would involve the enormous expenses which some places had been called upon to pay under the existing Acts.

MR. CLARE READ, in reply, said, there was power in this Bill to rate separately any district which would benefit by an improvement. His right hon. Friend had, in answer to observations of the right hon. Gentleman the Member for the University of Edinburgh and of the right hon. Member for Halifax, said there was no idea of constituting a great central authority of medicine. He believed the Amendments which were proposed by his right hon. Colleague would be in the hands of hon. Members on Wednesday morning.

Motion agreed to.

Bill read a second time, and committed for Monday next.

SALE OF FOOD AND DRUGS (*re-committed*) BILL—[BILL 83.]

(*Mr. Sclater-Booth, Mr. Clare Read.*)

COMMITTEE.

Bill considered in Committee.

(*In the Committee.*)

Clause 1 *agreed to.*

Clause 2 (*Interpretation of words*).

MR. SPENCER STANHOPE said, that water was to be considered as associated with food, and should be subject to analysis. He would, therefore, move, as an Amendment, in page 1, line 21, after "drugs," to insert "or water."

Amendment agreed to.

Clause, as amended, *agreed to.*

Description of offences.

Clause 3 (*Prohibition of the mixing of injurious ingredients, and of selling the same*).

DR. C. CAMERON moved, as an Amendment, in page 2, line 4, the omission of the word "knowingly," on the ground that if it were necessary in order to obtain a conviction to prove that a

vendor of adulterated articles knew they were adulterated, it would be impossible to obtain a conviction. He thought that the framers of the Bill, by the use of the words, had left a door open for persons charged with offences against it to escape in certain circumstances in relation to the evidence.

MR. SCLATER-BOOTH thought the hon. Gentleman opposite should have directed his observations to a subsequent part of the clause, and not to that, the first part of it. As the first part of the clause would impose a punishment of six months in case a person permitted articles injurious to health to be bought from him, it was only reasonable that the practice of the criminal law should, to a certain extent, be followed, and that a guilty knowledge should be proved against him before convicting him.

MR. LYON PLAYFAIR thought his hon. Friend was right in asking for the first "knowingly" to be left out, but he would preserve the second "knowingly." He could not understand how anybody could be discovered to have been guilty of adulteration, unless it could be proved that he had knowingly done so.

SIR ANDREW LUSK said, that magistrates were always tender with a man who broke the law from ignorance, and he would keep the word "knowingly" where it was in the Bill. That was the spirit of our laws.

MR. W. GORDON said, he was of opinion that the onus of proving his innocence should be thrown upon a tradesman who mixed one thing with another so as to be injurious to health.

MR. FORSYTH would retain the word "knowingly." The House did not wish to punish offences committed accidentally. The very essence of the offence which it was desired to put down was, that the person who sold those adulterated goods should knowingly and wilfully do so.

MR. FIELDEN predicted that the Act would be quite inoperative, if the word "knowingly" were retained.

MR. GREGORY contended that if a mixture was made of various ingredients and sold as another article, that might be held to be done knowingly, and the retention of the word was unnecessary.

MR. W. E. FORSTER said, the argument of the hon. Member supplied the strongest ground for striking out the word. The accidental tradesman would

Colonel Barttelot

be sufficiently protected by the clause; but the word "knowingly" would enable a trader to escape conviction when he ought to be convicted.

MR. VILLIERS thought the Committee ought to know that the Bill was regarded with great suspicion by the public generally throughout the country, because it weakened the security which a former Act was intended to give against the practices and usages of trade, from which they had suffered so much. The general impression was that a few years ago a Bill was introduced which seemed to reach the root of the evil; but the present Bill went quite in the other direction, and all sorts of excuses would be made that the tradesman had procured the adulterated article from some one else. If the Committee were in earnest in putting down adulteration, they ought not to insert these unnecessary words.

MR. SCLATER-BOOTH thought that the right hon. Gentleman could not have read the original Act. The clause exactly followed the language of the old law, except that it used the word "knowingly" instead of "wilfully."

SIR JOHN KENNAWAY said, it was important the word "knowingly" should be taken out, because it gave a wrong impression in regard to the wish of the Committee. If the word were omitted, it was by no means likely that an innocent man would be convicted.

MR. SULLIVAN said, that an Act of this kind in Dublin had been obstructed for several years by the insertion of this word "knowingly." The City analyst again and again brought the vendors of "sweetstuffs" before the magistrates; but they were always able to throw the onus back upon the manufacturers, and the children continued for some years to be poisoned, until an alteration of the Act could be obtained. He warned the Committee that if the word "knowingly" were left in the clause it would obstruct the operation of the Act in the same way.

MR. MUNDELLA said, that the discussion was proceeding on the basis that adulteration was general, whereas the Committee of which he had been a Member came to a very different conclusion. The fact was, there was very little adulteration in this country since the adoption of low tariffs, inasmuch as it did not pay. He was, therefore, opposed to making the law so strict that magistrates

would not convict under it. Under the existing law much hardship had been inflicted upon traders. The Bill might be confined to farm produce, for the two great articles which were the subjects of adulteration were milk and butter.

MR. BOORD hoped that if the word "knowingly" were retained, it would be explained and defined. He did not see how it was possible for a tradesman to adulterate the articles which he sold unless he did so knowingly.

MR. LYON PLAYFAIR said, that the first "knowingly" was not required in the clause. If a person mixed deleterious materials with food, he must be taken to do so with the intent to adulterate. He hoped that the right hon. Gentleman would yield to the general feeling of the Committee and accept the Amendment.

SIR HENRY PEEK concurred with the hon. Member for Sheffield (Mr. Mundella) that there was not so great an amount of adulteration practised as some hon. Members seemed to think, and that opinion was borne out by the Report of the Select Committee. He would like to know how people in this country would get their noyau, if the use of prussic acid was altogether prohibited.

Amendment agreed to; words struck out.

MR. SULLIVAN moved, as an Amendment, in line 6, after "material," the insertion of the words, "whereby to reduce its value as an article of commerce." The effect would be to prevent the adulteration of food by substances which were not poisonous—such as of milk by water.

MR. SCLATER-BOOTH pointed out that the cases to which the hon. Gentleman alluded were sufficiently provided for by Clause 5.

Amendment, by leave, withdrawn.

DR. C. CAMERON moved, as an Amendment, in page 2, to omit in line 8 the word "knowingly," referring to the sale of adulterated drugs, and remarked that the hon. Member for Sheffield (Mr. Mundella) had told them that if they made the law too stringent magistrates would not convict; but if they made it too lax they could not convict. Ignorance could, in no case, be held as an excuse for the violation of the law, and it was

more important to omit this word here than in the former case.

MR. FORSYTH said, that it would be extremely hard upon shopkeepers if the word "knowingly" were omitted from the clause, because they would in that case be liable to a fine of £50 for any improper ingredient which might be introduced into an article which they received from the wholesale manufacturer abroad.

MR. W. E. FORSTER hoped the hon. Member for Glasgow would not go to a division. How was it possible a village shopkeeper could absolutely know whether an article he bought of the wholesale dealers was adulterated or not, and to subject him to a penalty of £50 for selling an adulterated article unknowingly was somewhat unreasonable. He did not think they could in justice strike out this word.

MR. SCLATER-BOOTH believed that the word must be retained.

SIR ANDREW LUSK hoped hon. Members would not go on libelling and saying such hard things of a large number of their constituents who were just as honest as they were. He opposed the Amendment. The Committee had ascertained that almost the only articles adulterated were milk and butter.

MR. MACDONALD said, that the Bill was not brought forward to deal with the honest, but with the dishonest dealer, and therefore he trusted that the hon. Member for Glasgow would divide on the question.

DR. C. CAMERON said, that after what had fallen from the right hon. Gentleman below him (Mr. W. E. Forster) he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

SIR ANDREW LUSK moved, as an Amendment, in page 2, line 9, the insertion in lieu of the word "of," of the words "not exceeding" with a view of leaving it to the discretion of the magistrates whether a lesser penalty than £50 might not be inflicted.

SIR HENRY PEEK agreed with the Amendment. He had been amazed at the magnitude of the penalty. A man might kick his wife to death for less.

SIR ANDREW LUSK spoke from experience on the folly of inserting large fines. He considered a penalty of £50 excessive.

Dr. C. Cameron

MR. SULLIVAN said, that the penalty was to be imposed on persons who knowingly poisoned articles of food consumed largely by children and others.

MR. SCLATER-BOOTH reminded the hon. Baronet the Member for Finsbury, that under the 19th clause of the Bill, power was given for the mitigation of fines imposed under the Act.

MR. WHEELHOUSE supported the Amendment.

MR. WATKIN WILLIAMS said, he hoped the hon. Baronet the Member for Finsbury would persist in his Amendment, as the clause referred to by the right hon. Gentleman did not meet the case.

MR. BECKETT-DENISON said, he did not think the penalty named in the clause as by any means too severe, regard being had to the fact that the offence must be proved to have been knowingly committed.

MR. SCLATER-BOOTH said, he did not accept the interpretation given by the hon. and learned Member for Denbigh of the 19th clause, but was still willing to adopt the Amendment. He would remind the Committee that the six months' imprisonment was retained.

MR. HENLEY thought that penalties might be cumulative for many acts of adulteration, which might cost the offender £150 instead of £50.

Amendment *agreed to*; words *substituted* accordingly.

MR. O'SULLIVAN, in moving, as an Amendment, to add at end of clause—"No person shall be permitted to mix, colour, or stain any food while in Her Majesty's Custom House Stores," said, that a practice existed of adulterating Irish whisky with a coarse and deleterious Scotch spirit. Dundalk was celebrated for its manufacture of whisky, and some persons finding that out, had availed themselves of that reputation, and were importing from Scotland a spirit called "silent spirit" to mix with it. That spirit was not made from pure malt, but from any sort of rubbish that could be distilled, and being bought at 2s. 8d. a gallon, of course, the genuine article, which was worth 6s., could be easily undersold. What was scarcely fit to be given to pigs would make good spirit of this kind. There were some distillers in Scotland, and a few also in England and in Ireland, who produced

this spirit with Coffy's patent still, and from any sort of rubbish, no matter how inferior. This spirit when imported was used in the Custom House stores for the adulteration of whisky, to the risk of the health and even the sanity of the people. He once asked a friend of his to try this liquor. He did not tell him what sort of stuff it was, and so he drank it under the impression that it was a genuine article. Seeing he made a wry face over it, he asked him what he thought of the spirit, and he replied that when drinking it he felt as if a torchlight procession were going down his throat. There was no doubt about the matter, that doctoring shops were set up with the sanction and connivance of the Customs authorities in Her Majesty's bonded stores. In some of the vats in Dublin containing thousands of gallons of mixed spirits there was not one gallon of Dublin whisky, although it was sold as the pure and genuine article. [*Laughter.*] This might be for hon. Members a laughable matter; but before they laughed they ought to recollect that a large portion of the revenue of the country was raised from the duty on whisky. Nine of the vats to which he had already alluded contained 23,934 gallons, of which 10,849 gallons were silent whisky, and not more than 1,660 Dublin whisky, the remainder being composed of different country whiskies. The permit issued by the Customs authorities gave no information, or next to none. It was the same as that for sending out the genuine article, and all it said was that the whisky was plain, ex vat, but it did not mention what the vat contained. Three-fourths of the misery, evil, madness, and destitution caused by this wretched concoction ought to be placed at the door of the Government. He believed that the object in allowing this fraud to be perpetrated was to destroy that article of Irish industry, the manufacture of pure Irish whisky. [*"No, no," and laughter.*] That was no laughing matter. The Irish woollen trade had been destroyed by an Act of Parliament; but in the present case the same thing was being done by more subtle means—namely, by a deception on the public. The injustice was one which, although not having any pecuniary interest in any Irish distillery, he was determined to protest against and to expose until the Government inter-

fered and absolutely forbade its perpetration.

Mr. M. BROOKS believed that a quantity of German spirits made from potatoes was also sent into Dublin, and then re-exported to this country under the sanction of a permit as genuine Irish whisky, and recommended in *The Wine Trade Review* as pure unblended spirits. If beer from Burton came to London, and was here mixed with an inferior article, as was the case with Irish whisky, he believed that complaints would not be made in vain to the Board of Customs. If the hon. Gentleman the Member for the county of Limerick pressed his Amendment to a division, he should certainly support him.

THE CHANCELLOR OF THE EXCHEQUER said, he considered the matter they were discussing as altogether outside the Bill. If the question was as regarded mixing whisky with any article injurious to health, that was already provided for by the Bill; but to take advantage of this clause to prohibit the mixing of any articles of any kind in the Custom House would be to go beyond the provisions of the Bill. The words would apply to the mixing of old sherry, for instance, with a wine of younger vintage. Where an injury was done by mixing Irish whisky with spirits of a deleterious character and destructive of health, the Bill provided for such a case. If the hon. Member for the county of Limerick and the hon. Member for Dublin did not press the Amendment, but came to him, he would consult with the practical officers of the Customs, and endeavour to see what satisfactory settlement of the question could be arrived at. He should be glad to have an opportunity of arranging the matter so as to prevent further complaints.

Mr. O'SULLIVAN said, the consumers got no information that the whisky was blended, as there was only the letter "B" rudely scratched on the casks. He would accept the offer of the right hon. Gentleman the Chancellor of the Exchequer.

Mr. BUTT thought the matter was within the scope of the Bill, but would advise his hon. Friend to accept the right hon. Gentleman's offer, which seemed to him (Mr. Butt) to be fair, and calculated to meet the case, on condition, however, that he should not be put to the test of tasting any of this whisky.

If nothing could be done, the Amendment could be again brought up on the Report.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 4 (Prohibition of the mixing of drugs with injurious ingredients, and of selling the same).

DR. C. CAMERON proposed, as an Amendment, in page 2, lines 17 and 18, to omit the words, "of a nature injurious to health" in the case of drugs, which might be adulterated to an extent very prejudicial to the health and even to the life of a patient, by means of substances which were not injurious to health. Besides, chemists were not likely to do anything ignorantly, and therefore there could be no hardship in compelling them to sell their drugs in a state of purity.

SIR HENRY PEEK opposed the Amendment, on the ground that it was not always possible for druggists to obtain articles in a perfectly pure state.

MR. LYON PLAYFAIR supported the Amendment.

MR. GREGORY observed, that the object of the Amendment was provided for in the 6th clause.

MR. SCLATER-BOOTH said, he wished to substitute for the Amendment the words, "so as injuriously to affect the quality of the drug."

Amendment, by leave, *withdrawn*.

On the Motion of Mr. SCLATER-BOOTH, Amendment made in lines, 17 and 18, by striking out "of a nature injurious to health," and substituting "so as injuriously to affect the quality and potency of such drug."

MR. LYON PLAYFAIR moved, as an Amendment, in page 2, line 19, the omission of the word "knowingly," on the ground that the persons who would be affected by this clause would not be ignorant shopkeepers, but chemists and druggists, who ought to be better informed as to the nature and quality of the articles they sold.

MR. MUNDELLA opposed the Amendment.

MR. PEASE said, he was apprehensive if the Committee adopted the Amendment of the hon. Member for Edinburgh University the result would be confusion and embarrassment.

Mr. Butt

MR. SCLATER-BOOTH said, he had received representations from the Pharmaceutical Society, who could scarcely be supposed to desire the sale of adulterated drugs, against the principle of the Amendment. He therefore hoped the proposal would not be pressed.

MR. LYON PLAYFAIR said, he would withdraw the Amendment in deference to what appeared to be the will of the House, and not because he had changed his view.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 5 (Prohibition of the sale of articles of food and of drugs not of the proper nature, substance, and quality. Exceptions).

LORD FRANCIS HERVEY moved, as an Amendment, in page 2, line 22, leave out all after "shall," and insert—

"Knowingly sell any article of food or drug which is not of the quality demanded by the purchaser, nor shall any person abstract from any article of food or drug any part thereof, so as to impair its quality, with intent that the same may be sold in its impaired state, as being in its unimpaired state, or knowingly sell any article of food or drug so impaired under a penalty of twenty pounds for a first offence and of fifty pounds for every subsequent offence:

"Provided that no person shall be liable to prosecution under this Act for selling any compounded drug prepared in accordance with the written prescription of a registered medical practitioner, submitted for that purpose to the seller, or with the regulations prescribed by the British Pharmacopoeia issued by the General Medical Council, or with a basis to be laid down by the Pharmaceutical Society, or the Privy Council, or with the provisions of 'The Pharmacy Act, 1868:'

"Provided also, That no person shall be liable to prosecution under this Act for selling any article of food or drug, mixed with any material not injurious to health, or impaired as aforesaid, who shall, at the time of delivering such article of food or drug, supply to the person receiving the same notice of its being so mixed or impaired, by means of a label, legibly and distinctly written or printed, stating the mode and extent in and to which such article of food or drug has been mixed or impaired."

MR. SCLATER-BOOTH hoped his noble Friend would not press the Amendment.

LORD FRANCIS HERVEY consented to withdraw it.

Amendment, by leave, *withdrawn*.

COLONEL BERESFORD moved, as an Amendment, in page 2, line 27, to leave out from "Where" to end of line 29, and insert—

"Where any matter or ingredient the presence of which is harmless when mixed therewith for the purpose of preserving it."

MR. VILLIERS opposed the Amendment.

MR. MUNDELLA supported it. Sugar was mixed with cocoa constantly for the purpose of improving it for immediate consumption.

MR. PEASE said, he also supported the Amendment, so far as the ingredients were harmless.

Amendment *agreed to*; words *substituted* accordingly.

DR. C. CAMERON moved, as an Amendment, in page 2, line 29, to leave out "or of improving its appearance."

LORD FREDERICK CAVENDISH suggested that the Amendment should be amended by the addition of the words, "unless such matter is used to conceal an inferior quality of the article."

Amendment, as amended, *agreed to*.

On the Motion of Mr. CLARE READ, Amendment made so as to make the clause apply to proprietary medicines.

MR. SANDFORD moved, as an Amendment, to add at end of clause—

"And be it further provided that in the case where a person may be fined for the sale of an article of food or drug to the prejudice of a purchaser as aforesaid, without knowing them to be of a different nature, substance, or quality from that demanded, then in that case he may recover his costs with damages from the dealer from whom he may have received such article of food or drug."

MR. SCLATER-BOOTH hoped the hon. Gentleman would postpone his Motion until the Committee came to consider the 24th clause. There was no machinery provided for the recovery of the amount, and therefore the retail dealer had no better case against the wholesale dealer than that which he had under the present law.

MR. PEASE suggested that there should be a limit of six months.

MR. SANDFORD said, he had no objection to add words to that effect to his Amendment.

MR. MUNDELLA preferred the question should be dealt with under Clause 24. The wholesale dealer would be placed at a disadvantage, unless it was provided that the article was sold in the same condition in which the retail

dealer received it from the wholesale dealer.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Committee report Progress; to sit again upon *Friday*.

OFFENCES AGAINST THE PERSON

BILL.—[BILL 45.]

(Mr. Charley, Mr. Whitwell.)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 3, inclusive, *agreed to*.

Clause 4 (Abusing a girl above twelve years of age and under fourteen years of age).

MR. RUSSELL GURNEY proposed to amend the clause by making the age of consent 13 years, instead of 14.

Amendment proposed, in page 7, line 23, to leave out the word "fourteen" and insert the word "thirteen."—(Mr. Russell Gurney.)

MR. SULLIVAN impressed upon the Committee the strong feeling which existed on this subject out-of-doors, and supported the original proposal.

MR. ASSHETON CROSS supported the Amendment.

MR. MONK opposed it.

Question put, "That the word 'fourteen' stand part of the Clause."

The Committee *divided*:—Ayes 24; Noes 65: Majority 41.

Clause, as amended, *agreed to*.

Remaining clauses *agreed to*.

House *resumed*.

Bill *reported*; as amended, to be *considered* upon *Friday 30th April*.

WAYS AND MEANS.

Resolution [April 16] *reported and agreed to*:—Bill *ordered* to be brought in by Mr. RAIKES, Mr. CHANCELLOR of the EXCHEQUER, and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time.

LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDER CONFIRMATION (NO. 2) BILL.

On Motion of Mr. CLARE READ, Bill to confirm certain Provisional Orders of the Local Government Board relating to the districts of Blaydon, Cleator Moor, Fairfield, Goole, and Keighley, and to the borough of Lancaster, *ordered* to be brought in by Mr. CLARE READ and Mr. SCLATER-BOOTH.

Bill *presented*, and read the first time. [Bill 127.]

SEA FISHERIES BILL.

On Motion of Sir CHARLES ADDERLEY, Bill to amend "The Sea Fisheries Act, 1868," ordered to be brought in by Sir CHARLES ADDERLEY, Sir HENRY SELWIN-IBBETSON, and Mr. CAVENTISH BENTINCK.

Bill presented, and read the first time. [Bill 128.]

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Tuesday, 20th April, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Saint Paul's Cathedral (Minor Canonries) * (60).

Second Reading—Glebe Lands (Ireland) * (47).

Third Reading—Building Societies Act (1874) Amendment * (43); Local Government Board (Ireland) Provisional Orders Confirmation * (45), and passed.

THE ARCTIC EXPEDITION. — CHAPLAINS.—QUESTION.

EARL DE LA WARR said, that since he gave Notice of the Question which appeared on the Paper in his name—to ask, If it is the intention of Her Majesty's Government, as reported, not to send a chaplain with the Arctic Expedition, the First Lord of the Admiralty had announced that a chaplain was to be sent in each ship; but, as there had been conflicting statements on the subject, it would, perhaps, be satisfactory to the relatives and friends of officers who were to serve in the Expedition, and to the public generally, to know that there was no longer any doubt as to the course which Her Majesty's Government would pursue with reference to the appointment of chaplains.

THE EARL OF MALMESBURY said, he need scarcely answer a Question which the noble Earl (Earl De la Warr) seemed to feel that he need scarcely have asked. The only difficulty which the Admiralty felt in the matter from the first was the fact that every foot of room in these vessels was required for the direct purposes of the Expedition; but it had been accomplished by cancelling the appointment of two assistant-paymasters, and a chaplain would be appointed to each of the ships.

ELEMENTARY EDUCATION ACT—
BOARD SCHOOL AT HOLYHEAD.

QUESTION.

LORD STANLEY OF ALDERLEY wished to ask the Lord President for explanations as to the course taken by the Education Office with regard to a school site at Holyhead; and, whether he would have any objection to re-consider the decision of that Department? The parish of Holyhead was more than four miles long, yet, disregarding the wants of the agricultural children and the remonstrances which had been made to it, the Education Office persisted in insisting on the selection of a site close to the harbour opposite the Breakwater, at the extreme end of the parish, instead of accepting one more inland and more convenient for the agricultural children, who, if the waterside site were maintained, would have to traverse all the town, a great inconvenience for the infants, for whom an infant school would be built attached to the new Board School. Besides these objections, there was also this one—that while the site first chosen by the Board at Millbank, or any convenient place inland, would only cost £200 or less, the site favoured by the Education Office would cost £1,000. This site consisted of two acres of land which could not be divided, and which had long been in the market. The School Board proposed to sell half of this site; but they were not certain of being able to do this, so that in addition to the inconvenience caused by the distance, and the building a new school in a quarter already provided with two schools—one of which was never full—the ratepayers would be saddled with the expense of £1,000, or at best £500, supposing the School Board to succeed in selling the part they did not require. Now, before the Education Office Inspector came down to Holyhead there had been a vote in favour of Millbank site in the School Board, one of the members of which was not a ratepayer; the members voting on each side were even, and the Chairman Dr. Briscoe, the vicar, gave his casting vote in favour of the inland site. Dr. Briscoe subsequently requested that an Inspector should be sent down to report; and Mr. Watts came to Holyhead. He arrived at 1.30 and departed at 3 p.m. It was admitted by the Education Office that he

did not inspect the site in the port, yet he reported in favour of the waterside site, and the Education Office had backed his view. Mr. William Owen Stanley, on behalf of the most influential ratepayers, forwarded to the Education Office a public memorial from them against the purchase of land for a school situated at the extremity of the parish, urging all the reasons which he (Lord Stanley of Alderley) had already mentioned against the site favoured by the Education Office. Several letters passed, but the Education Office never condescended to argue the matter, or to give any reasons, they were content to say that they agreed with their Inspector. He would ask leave to read their last letter—

“Education Department,

“6th March, 1875.

“SIR,—I have the honour to acknowledge the receipt of your letter of the 19th ultimo. I am directed to state that in the letter addressed to you on the 18th ultimo the words ‘personal inspection’ were inadvertently used for ‘personal knowledge.’ It is doubtless true that Her Majesty’s Inspector has not visited the site in the parish since its selection by the Board; but he is sufficiently acquainted with it to be able to endorse the opinion of the Board that it is preferable to that formerly suggested at Newry Field. My Lords do not propose to urge any further consideration of the question upon the School Board.—I have, &c., &c.

“Hon. W. O. Stanley.”

Now, whatever might be the case with the other public offices, bad grammar ought not to be tolerated in the Education Office, yet here the Office wrote that it “endorsed the opinion.” To endorse was to write your name on the back of a bill or cheque; you could not write your name on the back of an opinion. The use of that word was nothing else but commercial slang. There would, however, be less ground for dissatisfaction at the zeal of the Office leading it to side invariably with its Inspectors, if the head of the Department would hold himself free from the trammels of the officials, and hold the balance between them and the public, and impartially hear the appeals which were made to him, for if he did not hear appeals, then there was no appeal from the despotism of this Office which imposed such large sacrifices of money on ratepayers and voluntary contributors. Even if the noble Duke consented within the walls of the Education Office to what was there suggested, he was here in a different position, and might be expected to

follow the precedent of various Lord Chancellors who had in this House reversed decisions given by themselves in another place. In conclusion he would venture to remind the noble Duke that if he did not check the extravagance of the School Boards, the unpopularity of the Education Office would redound upon himself; and he would read an extract from *The Guardian*, April 14, on the extravagance of School Boards—

“But besides this, it cannot be denied that the Board system, even in itself, has a tendency to eat up the other system, and that many of those who work it are doing their best to increase this tendency, in utter defiance of the intention of the Education Act. A ready way to do this is to encourage a scale of educational expenditure with which it is impossible for voluntary schools to vie. It is almost impossible not to suspect that some portion of the increasing expenditure of School Boards is due, not merely to the natural extravagance of those who can draw on an inexhaustible purse, but also to a covert desire to drive all other schools out of the field. If this be so, it is a policy which deserves the most serious reprobation and the most determined resistance. . . . Still, we repeat, it is desirable to distinguish closely between the necessary costliness of the Board system and needless extravagance in its administration. Nor is it desirable to confuse the mere advocacy of economy, with the maintenance of the cheaper voluntary system.”

THE DUKE OF RICHMOND said, the noble Lord had referred to matters as to which he, as President of the Educational Committee, had no knowledge. He had, however, all the official Papers on the subject, and which supplied the grounds for his decision. It appeared that the population of Holyhead was 8,205, and that after making allowance for the provision made in the existing schools, it was considered necessary to provide a School Board School for 550 scholars. Some controversy had arisen as to the site; but the Inspector of the Education Department had reported that the site chosen was eligible. Since he had been President of the Council he had every reason to be satisfied with the Inspector, and he had no reason to doubt his report on the present occasion. The School Board of Holyhead had declared that it was the best that could be had, and assuming, as he had a right to assume, that the Board represented the ratepayers by whom they were elected, he came to the conclusion that the questions at issue had been settled to the satisfaction of those most interested in the matter, and best qualified to give a practical de-

cision, while the opposition against the choice of a site was made to the Department by the Hon. W. O. Stanley, who presented a Memorial signed by one-eleventh only of the ratepayers. Having thoroughly gone into the whole matter, he could not re-consider the decision of the Department, which was to allow the School Board to have the site which it regarded as the best.

SAINT PAUL'S CATHEDRAL (MINOR CANONRIES) BILL [H.L.]

A Bill to extend the provisions of the Act of the third and fourth years of Her Majesty, chapter 113, relating to Minor Canonries, so as to authorise certain arrangements with reference to the Minor Canonries in the Cathedral Church of Saint Paul in London—Was presented by The Lord Bishop of LONDON; read 1^a. (No. 60.)

House adjourned at quarter before Six o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 20th April, 1875.

MINUTES.] — PUBLIC BILLS — *Ordered* — *First Reading*—Intestates Widows and Children Act Extension * [132].

First Reading—Patents for Inventions * [133].
Committee—Report—Bankruptcy (Scotland) Law Amendment (*re-comm.*) * [108]; Bills of Sale Act Amendment * [8-130].

Considered as amended—Pier and Harbour Orders Confirmation * [111].

Withdrawn—Municipal Franchise (Ireland) * [34]; Borough Franchise (Ireland) * [28].

MASTER AND SERVANT ACT—WORK ON GOOD FRIDAY.—QUESTION.

MR. MUNDELLA asked the Secretary of State for the Home Department, Whether it is true, as reported in "The Lincoln Gazette" of the 10th of April, that at the Kesteven Petty Sessions Grason Wattam, a farm servant, was ordered to pay 2s. 6d. compensation and 9s. 6d. costs, for disobeying the orders of his employer in not going to church on Good Friday; and, if so, whether the conviction for breach of contract was under the Master and Servant Act; and, whether the conviction was legal?

MR. ASSHETON CROSS: Sir, in answer to the hon. Member I shall read the statement I have received. The in-

formation alleged that Grason Wattam, on the 26th day of March, did unlawfully refuse to obey the orders of his employer, and did also there and then absent himself from his service without just cause or lawful excuse. The defendant pleaded guilty. The employer complained of general misconduct and disobedience of orders—that on Good Friday he not only refused to attend a place of worship in compliance with the rules of his employer, but absented himself all the afternoon and night without leave, and did not return till the following morning; consequently his duties had to be performed by another servant, to whom the employer paid 2s. 6d. for so doing. Wattam was not fined 2s. 6d., but was ordered to pay that sum as compensation to the employer, together with 9s. 6d. for costs.

THE EXHIBITION COMMISSIONERS OF 1851—FURTHER REPORT.—QUESTION. QUESTION.

MR. W. GORDON asked the Secretary of State for the Home Department, Whether the Commissioners for the Exhibition of 1851 propose to make any further report of their proceedings since the 15th of August 1867, the date of their fifth and last report; and, if so, when such further report may be expected; and, whether he is aware of any intention on the part of the Commissioners to sell or otherwise dispose of any and what portions of their estate at Kensington Gore, with a view to the same being applied to ordinary building purposes, or to any purposes other than such as will "increase the means of industrial education and extend the influence of science and art upon productive industry?"

MR. ASSHETON CROSS: Sir, the replies to the Question of the hon. Member are—1. The question of presenting a further Report has been under the consideration of the Commissioners, and they have decided to make it when certain pending questions are disposed of. 2. The Kensington Gore Estate was purchased in part with monies raised on the mortgage of the estate, and the Commissioners, since they have possessed it, have been engaged in letting on building leases and selling various portions of it in order to free by degrees the remainder from the mortgage debt to

which it is subject. There is no purpose to apply any portion of the money thus raised for any other object than increasing the means of industrial education and extending the influence of science and art upon productive industry. I may add, that if I have any power to order the Commissioners to make a further Report, it is my intention to do so.

THE QUEEN v. CASTRO — PRESENTATION OF PETITIONS.—QUESTION.

MR. SERJEANT SIMON (for Mr. WADDY), asked the honourable Member for Stoke, If he can state to the House the names of the Members who have refused to present Petitions referring to the trial of the Queen v. Castro, and the number of Petitions that have been so refused; and, whether, after such refusal, any or all of those Petitions have been presented to the House by some other Member?

DR. KENEALY: I am quite willing, Sir, to answer the Question of the hon. and learned Gentleman, although I think it an invidious one, and repugnant to all gentlemanly feeling, if the House wishes me to do so. I have a list here that has been presented to me of hon. Members who have not presented Petitions. If the House desires me to read that list I will do so. ["Read, read!"] I must premise that I myself have no personal knowledge of the refusal of these hon. Gentlemen to present Petitions. I can only speak on the information that has been furnished to me. I understand that Mr. Walker, Member for East Worcestershire; Sir John Astley, Member for North Lincolnshire; Mr. Birley and Mr. Callender, Members for Manchester; Mr. Fortescue Harrison, Member for Kilmarnock Burghs; Mr. Baillie Cochrane, Member for the Isle of Wight; and Mr. W. E. Forster, Member for Bradford, have refused to present Petitions; the last-named right hon. Gentleman because he doubted whether the terms of the Petition were consistent with the Rules of the House. Whether that be called a refusal or a putting off is not for me to decide. Sir James Elphinstone, Member for Portsmouth; Lord John Manners, Member for North Leicestershire; and the late Mr. Gore-Langton, the Member for West Somers-

setshire, also refused to present Petitions, the latter because he believed the language of the Petition was inconsistent with the Rules of the House. That is an answer to the first Question. With respect to the second, I have to say that I am utterly unable to give an answer to the hon. Member, nor do I think I ought to be expected to give one.

MR. W. E. FORSTER: One word of personal explanation. The hon. Member for Stoke stated that he was informed that I refused to present a Petition, but with the qualification that I would only present it in case it was not contrary to the Rules of the House. What is the fact—and I can give the hon. Member proof of that—is that when I was asked to present a Petition having the object to which he alludes, I distinctly stated that I would present any Petition from any of my constituents provided it was in accordance with the Rules of the House.

POST OFFICE (IRELAND)—SUNDAY LABOUR.—QUESTION.

MR. O'SULLIVAN asked the Postmaster General, If it is a fact that postmasters, letter carriers, and post runners in Dublin, and all other parts in Ireland, are compelled to work on Sundays as well as week days, and from which work the postmasters and letter carriers of London are exempt; and, if so, will he inform the House what grounds there are for the non-observance of the Sabbath day in Ireland more than that of the English metropolis?

LORD JOHN MANNERS, in reply, said, that postmasters, letter carriers, and post runners in Dublin and in other parts of Ireland had to do some work on Sundays. That rule was not confined to Ireland; it prevailed throughout the United Kingdom, with the exception of London, where, from time immemorial, no letters were despatched on Sunday. In accordance with the Report of the Commission of 1871, Sunday labour in the rural districts was dispensed with on the application of two-thirds of the recipients of letters, and in towns at the request of the inhabitants through their local authorities. The reason why there was a Sunday delivery in Dublin was that no such application had been made by the Corporation.

SELECT COMMITTEE ON FOREIGN
LOANS—THE SPECIAL REPORT.

QUESTION.

MR. CHARLES LEWIS asked the First Lord of the Treasury, Whether it is his intention to take any step with reference to the Special Report of the Select Committee on Foreign Loans presented to this House on the 19th instant?

MR. DISRAELI: Mr. Speaker, I reluctantly voted the other night for the Motion of the hon. and learned Member for Londonderry, the information which I thought the House required not being supplied by a Member of the Committee. I did not assent to the Motion as a punishment to the printers of the newspapers—I disclaimed that at the time. Since then, the House has had recourse to another mode of obtaining the information; and I think we can hardly regret what has passed, because in future, when the House finds itself in a similar perplexing position, it will know that it has a right to apply to the Committee, whose conduct I will not say may be questioned, but involved in the discussion, to obtain the information which it can furnish. Since we have obtained that information, the House possesses all the knowledge on the particular point it desires. It knows, for instance, that the document in question was read as part of the proceedings in Committee, and that the newspapers obtained it by application to the Chairman. I have, therefore, no intention myself of making any Motion on the Report of the Committee. I can only say for the guidance of any Gentleman who may have, that, as far as my experience can guide me, no question of Privilege was involved in the presentation of that Report; and, therefore, if I had any intention, I could only put my name down on the Paper in order, and the Motion would probably come on in about two months.

THE CHURCH SERVICES—REFUSAL OF
BURIAL SERVICE.—QUESTIONS.

MR. SERJEANT SIMON (for Mr. WADDY) asked the Secretary of State for the Home Department, Whether it is true that the Vicar of Beckley has refusal to allow the performance of any religious ceremonial at the burial of a child in the Beckley Churchyard, on the ground that the child had been baptized

in a Wesleyan Methodist Chapel only; whether it is true that when the father of the child reminded him that his wife (the child's mother) had recently been buried there, and the burial service had then been read by the Vicar himself, although she had been baptized in the same Chapel, the vicar still refused to allow the child to be buried in the same grave with its mother with the ordinary rites of Christian burial, and that the child was accordingly buried there by the sexton without any religious service whatever?

MR. HEYGATE asked the Secretary of State for the Home Department, Whether a clergyman, refusing to read the Burial Service "on the ground that the deceased had been baptized in a Wesleyan Chapel only" (as alleged by the honourable Member for Barnstaple in the case of the Vicar of Beckley), would not be acting in contravention of the existing law?

MR. ASSHETON CROSS: It may be convenient that I should answer both these Questions at once. I have held communications on this question, and from the statements I have received, it seems that the circumstances are substantially as they have been stated, except as to the part of the statement respecting the burial of the child. It appears also that the incumbent did not know that he was bound by law to read the burial service. The burial service was read by him over the mother, he not knowing at the time that she had been baptized at a Wesleyan chapel. I have no doubt this clergyman acted through an entirely mistaken sense of duty, and he has been admonished by the Bishop of the diocese. I am advised that there is no doubt as to the illegality of the proceeding; and, in my opinion, and probably that of most persons, it is entirely opposed to all feelings of humanity and Christianity.

MERCHANT SHIPPING ACTS AMEND-
MENT BILL.—QUESTION.

MR. GOURLEY asked the President of the Board of Trade, When he expects that the amended Merchant Shipping Acts Amendment Bill will be in the hands of Members; and, whether he intends proceeding with it on Monday next; and, if not, if he can name a day?

SIR CHARLES ADDERLEY: I had hoped to be able to reply that the reprint of the Merchant Shipping Bill would be out to-morrow morning. It will, however, take a day or two more to correct the proof, as I have tried, as far as possible, to insert such Amendments of hon. Members as I could wholly or partially adopt. The Government are anxious to proceed with this Bill in Committee as soon as possible, and, when it comes on, to proceed with it continuously till it gets through. It certainly cannot come on next Monday, more time must be allowed after its reprinting, and the Government nights are full till Whitsuntide. I hope it may be one of the first Bills after Whitsuntide, and on Monday next I hope to be able to name the day.

NATAL—LANGALIBALELE—ACTION OF THE CAPE COLONY—QUESTION.

MR. RICHARD asked the Under Secretary of State for the Colonies, Whether he is able to communicate the nature of the reply that has been received from the Cape Government to Lord Carnarvon's last Despatch, proposing that the Colonial Legislature should be asked to grant special powers for the location of Langalibalele within the limits of the Colony?

MR. J. LOWTHER: Sir, the most convenient form in which I can reply to the Question of the hon. Gentleman will perhaps be if I read, with the permission of the House, the Minute addressed by the Colonial Secretary of the Cape to Sir Henry Barkly, the Governor of that Colony—

“Colonial Secretary's Office, Cape Town,
“March 22, 1875.

“Minute,—Ministers having considered Lord Carnarvon's despatch, No. 19, of the 15th ultimo, on the subject of the disposal of Langalibalele and his son, beg that it may please your Excellency to assure the Secretary of State for the Colonies of their earnest desire to render their assistance, in so far as is compatible with the interests of the Colony, in finding a satisfactory solution of the difficulty in which all parties now find themselves placed. With this object in view a Bill will be prepared and submitted to the Legislature soon after the commencement of the next Session on the 14th proximo for repealing Act No. 3 of 1874, and substituting other provisions for the detention of Langalibalele and his son within certain limits on the mainland of the Colony, and for carrying out in other respects the desire of the Imperial Government in his case.—(Signed) J. C. MOLTSBO.”

PEACE PRESERVATION ACT—REPORTS OF MAGISTRATES AND POLICE, WESTMEATH.—QUESTION.

MR. BUTT asked the Chief Secretary for Ireland, Whether he is prepared to lay upon the Table of the House the communications received by the Irish Government from the magistrates and police authorities of the county of Westmeath and the adjacent districts; and also the paper or papers containing a statement of agrarian murders committed in Ireland in 1874? To explain the Question the hon. and learned Gentleman read the following passages from the speech of the Chief Secretary in introducing the Peace Preservation Act:—

“The Government have felt it their duty to consult, both confidentially and more or less publicly, the magistrates and police authorities of Westmeath and the adjacent districts on this matter. Of course, it is impossible for me to give in detail to the House the information which we have received on this head; but, speaking generally, I may say the magistrates and the police authorities are unanimous in assuring us that this Ribbon conspiracy exists now as strongly as ever, and that its action has only been kept down by the repressive force of this law. We are told of cases where outrages of serious character—in some instances murder—are only in abeyance on account of the existence of this Act.”—[3 *Hansard*, ccxxii. 1010.]

He further stated that on the 22nd of March the right hon. Baronet referred to papers containing information respecting five cases of murder.

SIR MICHAEL HICKS-BEACH, in reply, said, the public communications he referred to were resolutions passed at meetings of magistrates and published in the newspapers; but other communications were obtained as confidential communications. In making quotations from constabulary and magisterial Reports upon the circumstances of the agrarian murders committed in 1874, he was careful to confine himself to those points which were matters of public notoriety. It had been announced that the murders had been committed; that certain persons were not ready to assist in discovering the offenders; and that the offenders had not been brought to justice; and he did not mention any names except the names of the murdered persons. The whole of the documents could not be presented to the House without disclosing confidential communications which he did not read,

and which he could not have intended to bring before the House.

MR. BUTT gave Notice that on Thursday he should move for the production of the Papers, so far as they were referred to in the speeches of the right hon. Baronet.

THE QUEEN *v.* CASTRO—THE TRIAL AT BAR.—QUESTION.

NOTICE OF MOTION FOR ADDRESS.

SIR CHARLES W. DILKE asked the hon. Member for Stoke, Whether it is his intention to avail himself of the offer of Friday night to bring on his Motion, the Notice of which he has not placed on the Paper?

DR. KENEALY: Sir, the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) has been kind enough to make a suggestion to me, which in my ignorance of the Rules of the House as a new Member I am extremely thankful for, and, acting upon it, I have already placed in the hands of the Clerk a copy of the Resolution with which I intend to conclude the speech which I hope to make on Friday. The right hon. Gentleman the Member for Greenwich (Mr. Gladstone) tells me I ought to have given it to the Speaker, but I was not aware of it.

The following is the Notice of Motion:—

"The Queen *v.* Castro.—That an humble Address be presented to Her Majesty praying Her Majesty to be graciously pleased to appoint a Royal Commission, to consist of Members of both Houses of Parliament, to inquire into the matters complained of with respect to the Government Prosecution of The Queen *v.* Castro, and to the conduct of the Trial at Bar and incidents connected therewith, and certain incidents of the said trial which have occurred subsequent thereto."

ARMY ORGANIZATION.—RECRUITS.

RESOLUTION.

LORD ELCHO, in rising to call attention to the recent Army reforms, and to move a Resolution, commenced by observing that in 1871 the Government of the day induced Parliament to incur liabilities to the amount of £7,000,000 or £8,000,000 for the purpose of establishing our military organization on a sound footing: in a subsequent year further liabilities were incurred for the same object to the amount of £3,500,000 sterling. It was thus hoped that the

measures of the late Government had placed the Army on a secure footing, but sceptical letters had appeared in *The Times*, and sceptical speeches been made this Session; but, after the speech of the Secretary for War on the Army Estimates, the hon. Member for the Stirling Burghs (Mr. Campbell-Bannerman) expressed a hope "that the discussion on the Estimates would reassure the public;" and the leading journal spoke of "the welcome reassurance conveyed by Mr. Hardy's speech." Under such circumstances it was an ungracious and ungrateful task to play the part of Cassandra, and speak rough things when smooth things would be much more acceptable. Yet this was the task he had set himself to do. He asked then the indulgence of the House, and the more so as he could not, in treating this subject, use high-flown language such as they had heard so much of from the Opposition on the Regimental Exchanges Bill. He could not speak of woman's virtue and of soldiers' honour as they had done—honour which, in passing, he might say, was as safe in the keeping of the soldier as of any right hon. Gentleman opposite; but he would have to deal in figures of arithmetic and not in figures of speech. His talk must be of soldiers' height, age, and chest measurements; matters in themselves prosaic and sublunary, but upon which depended the honour of Nations and the fate of Empires. He should ask the House to affirm a Resolution to the following effect:—

"That the state and prospects of our present Army organization, as regards the obtaining of a sufficient and continuous supply of efficient soldiers, are calculated to cause well-grounded apprehension, and demand some immediate remedy pending the remote and uncertain results of a more complete development of the Brigade Depot system."

In this Resolution he spoke of "the present system." It was, however, only by courtesy that he called it "a system," because it was a happy-go-lucky plan of proceeding, and, in fact, we had no system at all. If a military system was gauged by the test that it involved the largest expenditure of money with the most limited possible results, then we had that system. But if, on the other hand, a sound military system depended on the organization of the manhood and power of the nation and on putting them in the field at the lowest possible

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cost, then we had no system at all. The fact was, we had never had a satisfactory military system in regard to men, even in the plenitude of our power in the Great War against Napoleon. We got the men at that time in the most haphazard way—by the sweepings of the gaols, by bounties, by endless Acts of Parliament, and by enlisting foreign mercenaries, of whom in 1815 we had 50,000 in our pay. In the Crimean War we had 15,000 foreign mercenaries in our pay, and he remembered Lord Ellenborough rising in his place to protest against the system of hiring foreign mercenaries to fight our battles, and yet, notwithstanding all this, when the strain of war was upon us our Army was always below its establishment. We never had up to the year 1871 an organized military system such as would supply us with a sufficient number of efficient soldiers. This, after the war of 1870, was felt so strongly that, in that year, the late Government brought in a Bill to reorganize our military system. It was divided into three parts—the abolition of Purchase, Localization, and the improvement of the Ballot Act. The latter two were dropped, and, practically, the measure was only for the abolition of Purchase. The late Prime Minister admitted this when he said that by dropping the other two parts of the Bill “the Government had lightened it of everything immaterial.” He had no wish to revive the question of the abolition of Purchase; but two points were raised in the discussion on the Regimental Exchanges Bill to which he should like to refer. The House had been told that the Purchase system “had eaten into the heart and core of the officers of the Army.” A great injury was done to the officers by that statement, because Purchase had been forced on the officers by the Government, and the Government had gained by it. It appeared by a Parliamentary Paper laid before the House that £1,772,000 had been got out of the officers by the Government sale of commissions. Mr. Joseph Hume, in 1835, made a speech with reference to this question of Army Purchase, in which, adverting to the fact that the Queen’s Pages received commissions in the Guards without Purchase, he stated that “every commission given away took between £2,000 and £3,000 out of the pockets of the public.”

The Government, therefore, made money out of the officers. The other point was with reference to the cost of this abolition of Purchase. The House had in the recent discussions frequently heard that it would cost £7,000,000 or £8,000,000. He believed that was only a small portion of the real cost of the abolition of Purchase. The present Retirement Commission was appointed, first, in order to consider the present check to promotion, which was so great that the lowest lieutenant-colonel on the list would not, it was said, become a general until 1905, and to prevent the principle which had been described as “promotion by seniority tempered by selection” from becoming “promotion by senility distempered by selection.” He should be surprised if the Retirement Commission did not arrive at the conviction that the calculation made some years ago by Captain Vivian was near the mark—that it would be impossible to establish a system of retirement or promotion in the British Army under £1,000,000 a-year. That sum represented the interest of £30,000,000, which, added to the £8,000,000 that the abolition of Purchase would cost under the present arrangement, would make the entire cost of Purchase abolition between £30,000,000 and £40,000,000. And for what? He had heard it said by his hon. and gallant Friend the Member for South Durham (Major Beaumont) that Parliament had done nothing by the abolition of Purchase which it could not have done without it, and that the whole of their work was still to be done. Not long ago the leading journal commented upon a letter written by his relative, Colonel Anson. *The Times* said upon the letter that “the British Army was the best-fed, the best-clothed, the best-lodged, and the best-officered Army in the world.” If it were the best-officered Army in the world, they were officers who had grown up under the system of Purchase. The reforms of the late Government had, he ventured to think, failed to put our military power on a footing of efficient organization. Considerable apprehension existed on this point in the public mind, and, in order to focus it, he had tabled this Resolution. He submitted that the words “well-grounded apprehension” were, under the circumstances, a justifiable

expression on his part. As regarded the men, the present supply of efficient recruits was calculated to cause the gravest apprehension. It would materially clear the ground if those who succeeded him in the discussion would, if he might make the suggestion, follow his lead and deal with this question mainly, if not entirely, with reference to the Infantry. The test of a nation's military strength and power was not its guns or its Cavalry, but the number of bayonets it could put into line at the shortest notice. The Artillery and Cavalry stood in the same relation to the Infantry of an Army which the Bass in music occupied with regard to the Treble—they were accompaniments, and nothing more. He should, indeed, have passed by the Artillery, but for a statement made by the hon. and gallant Member for Sunderland (Sir Henry Havelock), who said that the late Government had greatly increased our Artillery. He (Lord Elcho) gave them full credit for having done so. It was true we had 336 guns; but they were only on a peace establishment, and we had neither men nor horses to put them upon a war footing. He had received a letter from an officer on this subject, whose name he would not mention, but it would carry great weight with the House. His correspondent stated that to place 336 guns on a war establishment it would be necessary to buy 8,776 horses, and to improvise 5,272 carefully-trained and instructed gunners and drivers. A battery of Horse Artillery, he said, on the peace establishment, required 143 men and 114 horses; on the war establishment, 223 men and 250 horses. A field battery on the peace establishment required 144 men and 88 horses; on the war establishment, 269 men and 253 horses. But we had only men for 60 guns Horse Artillery and 126 field batteries, and only horses for 42 guns and 78 field batteries:—total, effective, 120 guns. Now, as regarded garrison batteries, there were 2,182 guns mounted for coast defence in the three districts, 25 men per gun would be required in time of war, and we would be only able to man 200 of the 2,182 guns, not leaving one man for Scotland or Ireland. The recruiting, too, for the Artillery was falling off. The recruits were required to be men of a certain physique, and they were not getting them. Since the Re-

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cruiting Report came out, they were, in fact, short by 1,100 men, and many that we had were men of bad character, as was proved by the fact stated by a recruiting Artillery officer, who told him that he had obtained only 75 recruits where he should have obtained 300, and that of the 75 at least 40 were men who had been, as he believed, discharged with ignominy from other regiments; but owing to the abolition of marking they had no proof of it. With respect to the Cavalry, his hon. and gallant Friend opposite (Sir Henry Havelock) had stated on the Estimates that he considered the condition of that branch of the Service "deplorable." He was not disposed to go so far as his hon. and gallant Friend, as he believed the Cavalry got good recruits, and, though few in number, were in a high state of efficiency. But the true test, as he had said, was the Infantry, and on that head he would have to trouble the House with some figures taken from official documents. Taking the Estimates for the year 1875-6, he found that the Infantry at home—in England, Ireland, Scotland, and the Channel Islands—rank and file, amounted in all to 43,730, and if he added the Brigade Depôts 7,100, the total would be 50,830. He, however, made a large concession in doing so, because it was notorious that a large proportion of the Brigade Depôts consisted of old soldiers who were engaged in the training of recruits. But what they wanted was not nominal but effective soldiers, and he unhesitatingly said that a soldier under 20 years of age could not be regarded as an effective soldier. He had, therefore, to deduct from the 50,830 the number of soldiers under 20 which he found in the Blue Book for 1873-4—they had not a Return for last year, which he believed was greater. The number was 12,991, which would leave the total at 37,839. But he had to make a further deduction for casualties, such as desertion, sickness, camp and other duties, and so on. For these he would deduct one-fifth, although he would be justified in deducting one-fourth. That would amount to 7,567, which would reduce the total to 30,272, as the only effective force of Infantry we could put in line in England, Scotland, Ireland, and the Channel Island, or could count upon for home service and for strengthening regiments

abroad, in the Colonies and India. With respect to the Colonies we had, there, including drafts on passage out, a total of 14,140 rank and file, and from that number he would deduct one-tenth, as many of the men were engaged in garrison duty, leaving a total of 13,726 for Gibraltar, Malta, and West Coast of Africa, the Cape of Good Hope, the Mauritius, China, Bermuda, the Dominion of Canada, and other Colonies. And on this subject he would remind the House that if the policy of denuding the Colonies of our soldiers had been carried out before the Mutiny, we should have lost India. In the main, India was saved by the troops which were sent there direct from the Cape and Mauritius. With respect to the East Indies, the Infantry of all ranks, including drafts on their way, amounted to 47,500, or, deducting one-fifth for casualties—9,500, a total of 38,000—a very poor and beggarly account, even if the men were all of the proper physique. But it might be said at least the Militia was in a satisfactory condition. Its establishment was 119,000—in reality, the total effective Infantry enrolled were only 102,000; but making deductions for casualties—men absent without leave, men under 19 years, and the men in the Militia Reserve—the Infantry amounted to only 43,190. The desertions were very numerous; out of 25,000 men there had been no fewer than 10,000 desertions. Therefore, whether they looked to the Infantry of the Line or the Infantry of the Militia as regarded numbers, they could not be considered in a satisfactory condition. War would very soon test that fact, but they had a sufficient test in the Autumn Manœuvres. He had seen by the reports of correspondents that at the manœuvres at Dartmoor the deductions for casualties amounted to one-third, and even the journals which defended the present system were obliged to admit that the result was thoroughly unsatisfactory. The regiments at the Manœuvres were very weak on parade, instead of being up to their proper strength, and in a total force of 8,000 men, the casualties amounted to 2,400 men. He came now to the question of quality. The quality of the men was a matter of the first importance, and the present unsatisfactory state of our Army organization was due largely to the inferior

quality of the recruits. It appeared from Returns before the House that there were in the Infantry 3,316 men having a chest measurement of under 33 inches, 11,173 having chest measurement of between 33 and 34 inches, and 20,101 of between 34 and 35 inches, making a total of 34,600, or 28 per cent, having a chest measurement of less than 35 inches. The Army recruits were measured straight round the chest under the arms, while the police recruits were measured slantingly round the chest, whereby the former obtained an advantage of $1\frac{1}{2}$ inches in nominal chest breadth. The police standard of 37 inches chest measurement, therefore, would be equivalent to $38\frac{1}{2}$ inches according to the Army measurement; while the minimum Army standard of 33 inches would, according to the police measurement, be equivalent to only $31\frac{1}{2}$ inches. These figures showed what a different class of men was secured by the police pay of 24s. a-week as compared with that which was attracted by the Army pay of 7s. a-week. In addition to this difference in the chest measurement of the police and Army recruits, there was also a striking difference in the physical and general appearance of the two classes of men. He had, along with some Members of the House, gone to inspect first the police recruits and then those for the Army in St. George's Barracks. He asked his hon. Friend the Member for Stafford (Mr. Macdonald) to accompany them, because the hon. Member, to his honour be it said, had handled the pick in his youth, and had by his industry and frugality saved wherewithal to educate himself at a Scotch University and thus fit himself for the high position he now held. There could not, therefore, be a better judge than the hon. Member of the physical qualities of a recruit. The recruits that had been accepted were all drawn up in line—Artillery and Cavalry on the right, Infantry on the left—a seedy-looking lot, which, if clothed in red, would indeed have been "a thin red line." On being shown the Infantry recruits the hon. Member had exclaimed—"Good God! is this a specimen of our Army? It is a deception," or words to that effect. He might well say so, for it was a most miserable representation of the famous British Infantry, and it was a sad thought that the nation's honour was

sponsible for the efficiency of the Army to find out, with the aid of discussions like those at the United Service Institution, what was the proper system to adopt. There were, however, certain propositions bearing upon this question so plain and simple—propositions which it required no military knowledge or training to understand, but which were matters of plain, ordinary civilian common sense, and these, he would venture to state, as they came before the House, supported by the unanimous approval of the meetings at the United Service Institution. The rules of the Institution forbade the bringing forward of resolutions; but he endeavoured to turn their flank, and submitted certain proposals, embodying his own views, in order to be able to judge whether or not they were received with favour. He first read the Resolution which he was that evening submitting to the House, and it met with unanimous approval. His next proposition was that, as regarded the manning of the Army, the state of things was most unsatisfactory. That met with great approval. He went on to say that in the present position of European armaments and feeling, we ought not to sit still and do nothing, trusting to the complete development of the Brigade Depot system in 1879. He added, that at the best the Brigade Depot system was a doubtful and insufficient remedy. That, also, met with universal sympathy and approval. Another proposition endorsed heartily by the meeting, was to the effect that if obliged to raise the existing *cadres* of our Infantry Battalions to a war strength, these would necessarily—from their heterogeneous composition—be less reliable and efficient than more homogeneous regiments which fought at Alma, Inkerman, and in the Indian Mutiny. That was a matter of great importance in regard to the quality of the regiments. How were their attenuated battalions to be filled up when required? The Secretary of State told them he would have to find 58,000 men for this purpose, and of these he hoped to get 7,000 men from the Army Reserve, and 23,000 or 25,000 from the Militia Reserve, who must be deducted from the strength of the Militia. The Secretary of State, therefore, would get for the regiments of the Line 25,000 Militiamen, partially trained, and little more to be compared with the

soldiers in our regiments in 1853 than a Volunteer would be if put into a Line regiment such as we then had. And how was the right hon. Gentleman to obtain the remainder of the men he would require to clothe his skeleton battalions with flesh and blood? Why, by a return to that of which they were perpetually boasting that they had got rid—namely, by bribes and bounties. In that way they were to get back men who had passed from the Army into civil life, and who were under no obligation to return. Regiments thus heterogeneously composed and made up of such elements could not possibly be compared with the men who fought at the Alma and at Delhi. His gallant friend, Colonel Anson, in one of his pamphlets said, that if at the time of the Mutiny they had had such regiments and the same quality of recruits as they were now having, India would certainly have been lost. He recollected his gallant friend Colonel Colville, of the Rifle Brigade, saying that when his regiment was going to the Crimea it had to be made up to its full strength, 1,000; and that was done by getting volunteers from another battalion of the Rifle Brigade which had just come from the Kaffir War. A hundred and fifty of those seasoned warriors were put into his regiment; and what was the feeling? Why that even those 150 veterans, not knowing their commanding officer or the regiment, and the regiment not knowing them, were even an element of weakness rather than of strength to the regiment. Any civilian of common sense might conceive what a regiment of 400 or 500 boys would be with such a heterogeneous collection sent into it, as the Secretary of State looked to in order to clothe his skeletons with flesh and blood. A regiment ought to be homogeneous. The officers, non-commissioned officers, and men should know each other, and should not be made up of men thus thrown together, packed off, perhaps, at 24 hours' notice to go to uphold the honour of England in a foreign land. That was a matter on which there was no difference of opinion among the officers at the United Service Institution. Another point of which they approved was, that no recruit could be considered an effective soldier fit for service in the field under 20 years of age at the least, or over 35 for foreign service. And then,

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as to the Reserve of 7,000 men, it had never been called out, because they had no power to do so. The hon. Member for the Stirling Burghs (Mr. Campbell-Bannerman) told them the other night that Lord Sandhurst had "invited those who had nothing better to do"—that was the curious phrase—to go out and take a turn at the Autumn Manœuvres; but that invitation was not accepted. He therefore thought—and his opinion was endorsed by the meeting to which he had referred—that that Reserve of 7,000 men ought to have its value and its fitness tested at the Autumn Manœuvres, and that, if necessary, a Bill should be brought in to enable that to be done. Then, with respect to the Militia Reserve, it might be imagined that they had their 103,000 Militia without the Reserve, but the Reserve had to be deducted. It was General Peel's original intention that, for every man who volunteered for the Militia Reserve, the officer of the regiment from which he volunteered should raise another. They should know what their Militia and what their Reserve really were; the two should be kept separate; and the Militia Reserve should be borne in excess of the ordinary Militia establishment. That was also endorsed at the United Service Institution. The last proposal was that the Militia Reserve men should be trained, not with the Militia regiments, but with the dépôts of their affiliated Line regiments. He knew what his right hon. Friend's answer would be to these proposals; it would be this—"If I am not to take any man into the Army who is not 20, the system will break down, and I shall not be able to keep up the establishment." His answer to that was—"If your Army system and your establishment depend upon this—that you have to admit into your ranks these striplings, these weedy boys, under 20, your whole system is rotten, and it is time you endeavoured to find out some other." He went further, and said that to send them out to maintain the honour of this country and to fight the regiments of foreign troops—he did not care whether French or German—such as they might have to meet, would be, as far as regarded these men and their officers, simple murder, courting, as Lord Sandhurst said in his place, disaster and defeat; and, as regarded this nation, it was absolute treason on the part of those

who were responsible for the efficiency of the Army. He felt quite certain that his right hon. Friend felt the responsibility of his position; and he (Lord Elcho) did not apprehend that the right hon. Gentleman would expose this country to the disaster which would inevitably ensue from sending out our regiments to fight in the way in which they were. He had now completed the task he had set himself; he had laid bare what he believed to be the true state of the Army. He had, to use a familiar phrase—one that would be intelligible even to the intellects that believed that Orton was Tichborne because they were convinced that he was Orton—taken the gilding off the gingerbread, and shown the nation what the value of their fairing was, and what it cost. He believed the state of things in the Army to be alarming. It was thought now that all was calm. They thought so in 1870. They had the Queen's Speech in February telling them all was serene. Then, in July, they heard from the Foreign Secretary that there was not a cloud in the horizon; but in a few weeks the Secretary of State for War had to come down there, and ask for 20,000 additional men for the Army. They were not easily obtained, for the standard had to be lowered and five months spent in getting them together. And it was with this Army they were to turn out of Belgium the soldiers of whatever nation interfered with its neutrality. Why the idea was too comical and ludicrous to be entertained seriously for a moment. He had said that his task was ungracious and ungrateful; but he hoped in discharging it, and in speaking rough things, he had not shown the slightest political feeling, or given offence to any one. He gave full credit to the late Government, and he fully admitted they did owe a debt to the noble Lord (Viscount Cardwell) for what he had done for the Army. They owed to him localization, which was sound in principle, the Autumn Manœuvres, improvement in the Volunteers, the establishment of the Intelligence Department, and they also owed to him putting on a clear footing the relations existing between the Commander-in-Chief and the Secretary of State, which he hoped was now satisfactory to both. He gave full credit to the honest purposes of the late Government; and as regarded the present Secretary of

State, he had displayed a candour in his statement which showed he was endeavouring to do his best, disguising nothing in order to make things pleasant to the House of Commons. Moreover, on the question of compulsion his right hon. Friend was not like his Predecessors who had spoken on this point—he did not turn up the whites of his eyes and thank God we were not in this country as other men were, but had shadowed forth the possibility of an ultimate resort to it, saying that he was surprised at the feeling in favour of compulsion in quarters where he had least expected it. His surprise must, indeed, have been greatly increased the other day when he heard a distinguished Member for a metropolitan constituency (Sir Andrew Lusk) say that he thought sooner or later they must come to compulsion of some form or other. He (Lord Elcho) did not believe compulsion or conscription to be required for the Army. He did not advise them to Prussianize the Army; but he did say Anglicize the Militia. He did not wish to enter into any question of foreign policy, but what did they see abroad? Whole nations were in arms, and the martial hosts were such as the world had never seen before. There were thunder clouds in the sky, and they could not say how little a thing might bring these thunder clouds down. They had all been more or less frightened out of their propriety by the Belgian question. In the late war all his sympathies were with the Prussians. He looked upon that war on the part of France as a wicked, wanton, dynastic war. He had the greatest admiration for Prince Bismarck, he admired him because he was a man who knew his own mind; there was no impulsive sentimentality about him, nothing molluscous, he was essentially a vertebrate animal with moral backbone and feet; but they now saw what was the result of the German Cæsar growing great on a diet of blood and iron. When France was the ruling military Power in Europe, it appeared as if no dog were allowed to bark; but now it looked as if, Germany being the great military Power in Europe, no mouse was to be allowed to squeak. He questioned whether they were in a much better position as regarded the peace of Europe from the transfer of the military power on the Continent; but he was certain that the

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state of affairs abroad was such that at any moment the armed hosts might encounter each other, and therefore it was desirable that England should put her house in order. Cardinal Manning, a few days ago, when assuming his new dignity in the Church of St. Gregorio, at Rome said, the first duty of man was to his God, the second to his family, and the third to his country. No one in that House would, he thought, dispute the first of these propositions unless, indeed, it meant that duty to God implied submission and subervience to any form of sacerdotalism; but as regarded the second proposition, he would put it last. He held that a man's duty to his country was before his duty to his family. It had been so in all ages of the world, and all history showed how readily the life of husband and of child had been given and sacrificed at the call of country. In England, the love of country was as strong or stronger than in any other country in the world, and he believed they might safely appeal to it. It was, indeed, said that the nation had become degenerate, and that public duties were ignored in the eager, selfish pursuit of wealth. He denied that proposition. 150,000 Volunteers had for 15 years been giving it a living lie, and he further maintained that the flame of patriotism in this country, if it were properly fanned by the responsible authorities, would burst forth as brightly as it ever had done in any period of our history, and that it had not been quenched or put out by showers of gold. It was not, however, without accepting sacrifices of some kind that we could place our Army on a proper footing. If the Government appealed to the patriotism of the people, it would not fail them, and he invited his right hon. Friend to trust and test it, in the conviction that if he did so he would be able to fill a niche—that of the Scharnhorst of the English military system—which had been hitherto unfilled. His firm belief was, that if his right hon. Friend would rely upon the patriotism of the English people, he might place our military establishment on a sound footing, thus securing the honour of the nation and making this Empire safe. The noble Lord concluded by moving his Resolution.

COLONEL MURE seconded the Resolution.

Motion made, and Question proposed,

"That the state and prospects of our present Army organisation, as regards the obtaining of a sufficient and continuous supply of efficient soldiers, are calculated to cause well grounded apprehension, and demand some immediate remedy pending the remote and uncertain results of a more complete development of the Brigade *Dépôt* system."—(*Lord Elcho.*)

MR. A. H. BROWN, referring to the Report quoted by the noble Lord, said, the remarks as to the recruits being deficient in physique applied only to the reports of some of the commanding officers. For example, the noble Lord alluded to the fact that in the Northern District the recruits consisted chiefly of men of low physique from the manufacturing towns, but this was stated by three only out of the nine commanding officers in that district. Taking the total figures for the whole country, it appeared that 78 commanding officers were satisfied with the recruits; 26 were fairly satisfied; while only 32 reported that they were not satisfied. It was plain that any local system of recruiting in this country would be complicated by the reliefs for India, and it was on that ground that all comparison between this and foreign countries would fail, and this point the noble Lord failed to see. The noble Lord was wise in discarding the idea of a general conscription; but it appeared to him that the proposed ballot for the Militia, or, rather, compulsory service for the home Army, ought likewise to be discarded, and at the present time he found that the Militia were getting more recruits than ever. It was not so much for military reasons that ballot for the Militia should not be revived, but because it was totally unfair, and because it would interfere detrimentally with the commercial undertakings which made us the richest nation in the world. We must continue on the old voluntary plan of enlistment, and see what could be done to induce men of good physique and good character to join the Army. He thought that the localization system which had been established promised, when fully developed, to prove a satisfactory means of accomplishing the object in view; and he considered that there was no system of recruiting so satisfactory as that of Brigade *Dépôts*. The localization was already producing its fruits. According to the last Report of Major

General Taylor, the Inspector General of Recruiting, the result of the system had been that we got 3,400 more this year than we did in the preceding year, and he further said—

"This increase may, in a slight degree, be attributed to the additional number of Brigade *Dépôts* at work, but to a still greater extent it is to be ascribed to the system generally being better understood, the several agencies performing their duties more thoroughly, and the outlying portions of the several sub-districts being brought into clear communication with their local centres."

There were causes some time ago which made men consider that the Army was not a profession to which they should resort, but those causes had been done away with. The abolition of flogging was one, and the mistaken notion about branding was another. These prevented men from entering the Army. There had been also an increase of pay, a better kit provided, and a system of short service introduced, and the stoppage for meat ration had been abolished, and as education became more developed, and all these things were better understood, both the Army and the Militia would become more popular. It certainly appeared to him that the Army had been much improved, and they had got rid of the bad characters, and by that means improved the *morale* of the service, and this would induce a better class of recruits to take their places. Hon. Members were hardly aware that the system of localization was not thought of for the first time in the year 1872, for it appeared that it had been gathering force for at least 10 years previously. The Recruiting Commission, 1867, said—

"On the one hand strong evidence has been laid before us to show the advantages resulting to recruiting from a local connection being maintained between individual corps and certain localities."

This showed that localization, which was the key of this question, was carefully considered then. Again, as to the pay of soldiers. Some years ago a Return was presented to that House showing the weekly pay to soldiers, and it appeared that, calculating everything, the Infantry soldier had as much as 13s. 9d., and of course the men in the Guards, Artillery, and Cavalry had much more. Now, he found that in some districts the wages of unskilled labourers in the agricultural districts were not so good as the pay of the soldiers of the Line. For

instance, in Dorsetshire the wages of an agricultural labourer were between 9s. and 12s. per week; in Surrey the wages were between 13s. and 14s.; and in Hampshire, between 9s. and 10s. In the northern counties the wages were between 12s. and 18s.; but, practically, in the other counties the pay of an Infantry soldier and the wages of an unskilled labourer were about equal. Further, soldiers of the Line could look forward to good-conduct pay, while the agricultural labourers had nothing more to expect than their wages all the year round. Some persons seemed to wish to have men in the Army equal to the police constables; but they were, in fact, skilled and educated men, as they had to perform very important duties—duties of a higher character than those of an Infantry soldier—and to have men in the Army of that class, and pay them at the police rates, would be a waste of public money. It had been suggested that if recruiting into the Militia were stopped, all those who recruited into the Militia would go into the Line; but he did not believe that half of that class which now went into the Militia would go into the Line, because a great proportion of that class were men of skilled labour. Therefore, to stop recruiting into the Militia would, in his opinion, be a great mistake. To sum up all that which he had pointed out, he thought that the only way in which they could get good recruits for the Army would be to popularize the Depot Brigade system and to carry it out as was being done now—that was, to have troops in the midst of the large populations to localize our forces and connect them to particular places; and he contended that there was nothing in the military service which bore out those fears which some men prophesied, and that they would be able to get recruits, as far as they needed them, under the voluntary system of enlistment.

SIR CHARLES RUSSELL said, he should not have referred to the question of conscription but for the fact that very recently a prize had been awarded to an essay, the writer of which said, in effect, "give me conscription and I will give you an Army." This was no doubt true; but the whole idea of a conscription was so alien to the feelings of the nation that its adoption would lead to the country generally pronouncing

against the maintenance of a standing Army. The question which the House had to consider was whether the voluntary system had been fully and fairly tried, and had broken down to the extent which had been alleged. He agreed with the noble Lord who had brought this question forward that the present physique and condition of the Army were unsatisfactory; and he hoped the Secretary of State for War would not consider him obtrusive if he suggested the propriety of his giving the House some information as to the condition in which he found the Depot Centres on taking office and their condition at the present time. As far as his information went, there was appointed at each Depot Centre a Colonel and a Staff, whose duty it was to enlist recruits; but, if report spoke truly, there were in many places where these Centres had been established no recruits to be enlisted. Therefore, the duties of the officers appointed must be very light. Their position reminded him of what he saw when he visited a nobleman in Ireland some years ago. He found a coachman and plenty of helpers on the premises, but no horses and no carriages. As far as the question of physique was concerned, the hon. Member who had last spoken did not seem to think the condition of the Army was nearly so bad as it was represented to be by the noble Lord and other authorities who had spoken and written on the subject. Now, a short time ago he had a short conversation with a Bedford magistrate and asked him whether, in his opinion, the county to which he belonged was doing its fair share in supplying men to the Army and Militia. The reply was that the county sent a fair stamp of men into the Militia, and that as for the Reserves Bedford Gaol was full of them. On hearing this he communicated with another Bedfordshire magistrate—Sir John Burgoyne—an old Guardsman who had seen much service in the Crimea and elsewhere. Sir John, who was a visiting justice of the county sent him some details with reference to 96 military prisoners who, at the date of his letter—February 26, 1875—were undergoing various terms of imprisonment in Bedford Gaol, under sentence of courts martial, adding—

"It is deplorable to see such a miserable lot of men bearing the name of soldiers, and I am

Mr. A. H. Brown

convinced that three-fourths of them can never be made available for any service except to swell the Returns of the Recruiting Department, which some of them have done several times over. No wonder our Army is costly when we enlist and maintain in gaol men who are utterly worthless and useless."

The memoranda referred to—and for which Sir John Burgoyne was solely responsible—set forth that one man enlisted in June, 1872, had been three times tried and sentenced by courts martial and had passed two-thirds of his time in prison; a second man enlisted in May, 1874, had since that time been once sentenced to imprisonment by the civil power, and had been twice sentenced by courts martial for desertion; and had only done duty for about two months. A third soldier enlisted in August, 1871, had been three times tried and convicted by courts martial for desertion and had also fraudulently enlisted on three separate occasions. There were several other cases included in the list which were equally strong in the same direction. The feeling of the soldiers themselves on this question was much stronger than most people believed. A short time ago he saw a letter in which a non-commissioned officer on duty at Aldershot said—

"I am getting tired of this treadmill work. We have over and over again the same thing—desertion and rejoining from desertion with courts martial, as the order of the day. What a farce they have turned soldiering into! The word soldiering is not applicable to it, nor has it been for the past few years. You will remember Farr, and his is one out of hundreds of cases. He deserted from Belfast, turned up again in the 25th Regiment, and, being tried, went through his punishment. He afterwards joined the dépôt, and having deserted again turned up next in the 26th Cameronians, where he was once more tried and punished for his offence. He tells us that while in a state of desertion from us on the last occasion, he got a kit out of the 106th Regiment before he joined the Cameronians. It is now ten to one whether the authorities will discharge him, and if they do they will not cure the disease. Unless branding or something as good is introduced, we shall only be dealing with figures, not soldiers. In July next I intend to leave the service, after 23 years' service, and I feel as able to soldier as ever. I would feel insulted if I was compared to some who are joining now as far as stamina is concerned."

The noble Lord had referred to the police constables, and wished to have the same sort of men in the Army; but the fact was the Government wanted men for constables, letter-carriers, and tidewaiters, and competed for them, and

then from the mass of the worthless left behind they recruited for the Army. In 1868, he endeavoured to induce the House to accept a scheme which would have entitled men who had served a certain time in the Army to writerships and other posts of employment in the Government Service. This proposal was received favourably at the time by the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), who was then at the head of the Government, but up to the present time nothing definite had been done concerning it. In a discussion which took place at the United Service Institution a short time ago, Sergeant Major Leith Adams gave some testimony which bore so much on the stature and condition of the troops that he would venture to quote a short extract. That officer said—

"Now, I must candidly assert that the physique of our Infantry is not at present up to the standard of our race, and I cannot conceal from myself a feeling that, unless remedial measures are adopted, it will sink lower and lower. This conclusion has been arrived at mainly from my personal inspection of about 25,000 recruits, over 17,000 of whom have been passed into the Army. There is no gainsaying the fact that the numbers and quality of recruits have been steadily declining of late years, more so since the introduction of short service and doing away with pensions, &c."

At the business meeting of a company with which he was connected it was his duty on one occasion to declare a dividend of 6 per cent, upon which a shareholder proposed 12 per cent, adding that it was the Directors' business, not his, to find the money. In the same way some hon. Members thought their duty had been sufficiently discharged if they called attention to the evils of the present recruiting system, leaving it to the Government to find a remedy. But that was not the view he took of the matter, and he had accordingly drawn up a series of recommendations on the subject, which he ventured to submit to the Government and the House. One of his suggestions was that all applicants for employment in certain grades of public Departments, such as policemen's, tidewaiters', and postmen's places, should be asked to serve for a certain term in the Army; after which, if their conduct was good and they were properly qualified, they should have the preference over all other persons. Under that system some 120,000 or 130,000

men, trained to the use of arms, would be kept in the public service ready to be called upon in the event of any national disaster threatening, and that without costing the country a single shilling. By this means, also, we should get into the ranks that superior class of men of whom so much was heard and so little seen, instead of the deteriorated class which was now enlisted. In proof of the necessity of introducing this superior element into the Army, he would read an extract from a letter which he had just received from Captain Walter, an officer who had been largely instrumental in originating the Corps of Commissionaires—

"I have lately occupied myself with examining the statistics of the Corps of Commissionaires, and find that since its foundation in 1859 no less than 2,334 pensioners have joined. Out of this number upwards of 25 per cent have been discharged for misconduct. Now, as those who have been admitted are above the average standard of character, the fact just mentioned is a proof to my mind that the *morale* of the Army is not what it ought to be, and far below what it used to be. Some persons are easily pleased, and, of course, if the moral or physical standard is sufficiently lowered it will be easy to prove that the recruits of the present day are equal to the prescribed tests. The result of my experience here obliges me to say that the present state of the Army is deplorable, and my recollections of the service as a regimental officer from 1843 to 1853 also convince me that any comparison between that period and the present is equally disadvantageous to the latter. In no point, however, is the difference so striking or so important as in the quality of the non-commissioned officers."

He had no doubt that later on the right hon. Gentleman the Secretary for War would refer to the experiment which had been tried by the Postmaster General to give employment to soldiers. The Postmaster General, in his Report on the subject, stated that out of 220 nominations, not fewer than 103 failed, eight persons declined the medical examination, some were found too old, the addresses of others could not be found, and 22 persons were without any character, and out of the whole only 40 were admitted into the service. That attempt, therefore, to benefit the service had signally failed. Now, he should like to know whether the selection had been fairly made, and how it was made—whether the officers were asked if they had a number of men whom they could recommend as fit for the service. If they were taken from the Reserve he did not think that any fair case had

been made out against the system. He would now refer to a few matters, and would offer them as suggestions towards an improvement in the service. In the first place he would say, re-introduce the long service with pensions. He would couple that with a shorter service, to be rewarded in the manner which he had described. He would make the Militia the real Reserve, and add recruiting to the Regular Army. He looked on the Reserve in a great degree as a delusion, and believed that the number would not exceed 37,000 in the year 1880. He would further say, officer the Militia with those who had served in the Regular Army and the Reserve, and that officers going on half-pay should be bound to serve with some portion of the Reserve Forces if required. He would allow exchanges at the discretion of the authorities between the active and the Reserve forces. He would suggest that men who, before completing their service, were considered unfit for foreign service, but were fit for the performance of home duties, should be transferred to the Militia, and not discharged as they were at present; that pensioners should be borne on the strength of the Militia, and paid by its Staff; and that the pay of sergeant majors should be increased, and that sergeants should retain their good conduct pay. With regard to the last point, he would point out that the condition of no class in the Army was more deserving of attention than that of the non-commissioned officers. A good many officers of experience were of opinion that it would be a good thing that disciplinary battalions should be formed either in India or elsewhere abroad, and that all bad characters should be transferred to them and not discharged as at present. That was, in his opinion, a better plan than discharging men and leaving them to re-enlist. Such a system had succeeded in the French Army, and the service was by no means unpopular with the officers. Again, something must, in his opinion, be done to check the desertion and re-enlistment, and the most natural and simple measure of precaution was to mark the men and officers on joining in the arch of the foot, and so afford a perfect mode of identification. They ought not to shrink from applying remedies because they might for a moment risk a little popularity.

Sir Charles Russell

MAJOR BEAUMONT referred to the Returns showing the number of recruits who had joined the various branches of the service from 1870 to 1874, for long and short service respectively. In 1870 there enlisted in the Line 12,000 for long service and 2,000 for short service. Last year only 1,400 enlisted for long service as against 10,000 and upwards for short service. The proportion of men, therefore, who preferred short service was 40 times greater than it was four years ago. It was true that in the Cavalry and the Artillery that was not the case, but then those services were exceptional. In the Engineers for the first three years no one enlisted for long service; but during the past year there were 287 enlistments for short as against 188 for long service. These figures showed, he thought, that short service was growing in popularity. Again, as to the quality of the recruits obtained, he was of opinion that the Returns were not altogether unsatisfactory. He was not, at the same time, one of those who thought that the quality of our recruits was all that was desirable. On the contrary, he looked forward with hope to the introduction of a better class of men into our Army. He, nevertheless, maintained that the Returns disposed of the arguments which were published in the public papers some time ago, to the effect that our Army was being recruited by men who were in every sense unfit to be soldiers. As to short service as it now existed, it was not really short service. It involved enlistment for 12 years, of which six were spent with the colours and the remainder in the Reserves; while no provision was made for the soldier when he had concluded his period of service. There were, he might add, two classes of men who enlisted, as it might be, for either short or long service, for the man who enlisted for the latter must make the profession of arms his business; whereas in the case of the former his connection with civil life was not to so great an extent interfered with. The term of six years, however, did not seem to him to be happily chosen; because while it was sufficient to break a man off to a great extent from his civil connection, it was a longer period than was necessary to make him an experienced soldier. For these reasons he maintained that the short service system, as introduced by Lord Cardwell, had not

had a fair trial. He most emphatically protested against the idea that compulsion must necessarily be associated with a short-service system. Our position differed from that of Germany, inasmuch as we were able to fix upon a certain number of men as sufficient for the defence of the country. But on the Continent, where the Army was nothing less than the whole fighting force of the country, there arose at once a reason for compulsion. The raising of a sufficient force was a question of sufficient pay, and he held it would be a far cheaper arrangement for us to find the pay directly and hand it over to the men in the shape of so much coin than to tax the industries of the country by taking away those who were engaged in them when they were most wanted. He was one of those who regretted that Lord Cardwell had not gone further in the way of short service. Speaking of the Infantry, and not of special services, he would like to see men enlisted to serve with the colours for three years, and then paid really well on passing into the Reserve. Such an engagement would, in reality, amount to service almost for life, because when a man had served with the colours he would pass into the First Reserve and then into the Second Reserve, and when he had completed the full number of years he would be released from military service. It would be neither wise nor politic for the State to take the best years of a man's life and then turn him adrift, a disgrace to our humanity and a scarecrow to deter others from enlisting. A man who had served his full time ought to be placed absolutely above want. The cheapest way for the State to do this was not by paying a pension which had not been earned, but by increasing each man's pay gradually, keeping back a certain amount, and on the completion of his service handing over to him a sort of terminable annuity, which would end with his life. He did not expect he would be supported by the opposite side of the House when he said that the beginning and ending of all Army reform was the stopping of all recruiting from the Militia. Only in that way could they prevent one service from clashing with another, and secure that one "harmonious whole" of which so much had been heard and so little seen. Lord Cardwell and other high authorities had said that there was nothing to

be urged against his plan in theory, but that its weak point was we could not get the men. It was said that this short service would require 30,000 or 40,000 men every year. Well, the Returns showed that in 1874 we obtained 20,000 recruits for the Regular Army; and if to these were added the recruits for the Militia, irrespective of the Volunteers, the requisite number would be almost reached. It was said that the men who recruited for the Militia were of a different class from those who recruited for the Army. He admitted that; but if short service were introduced a better class of men would be got. No doubt it would be better to stop recruiting from the Militia, but he did not say that this should be done at once; but if it were correct that by shortening the period of service and increasing the reserve pay the country would get a better class of men as soldiers, then there was the strongest reason for pushing the short service system to its legitimate conclusion. He thought they were much indebted to Lord Cardwell for the two great propositions he had introduced—the abolition of Purchase and short service. Army reformers desired that the country should be divided into military districts, each with a *corps d'armée* ready to take the field; and although that had not resulted from recent legislation such a state of affairs was not impossible under it. He might add, in perfect sincerity, that so long as the necessary steps were taken he would be as happy if they emanated from the opposite benches as if they were proposed by the Party with which he usually acted.

SIR HENRY PELLY said, he trusted he should receive the indulgence of the House when he said a few words on this most important subject. It was the first time he had addressed the House, and he would not trespass long upon their attention. He had served in the Army for 10 years, and took the greatest interest not only in it, but in the great object of its existence—the safety, honour, and integrity of the Empire. No one who had attentively listened to the speech of his noble Friend could venture to deny that it was supported by figures and facts which were not his own, but official Returns which were in the hands of Members, and incontrovertible. His noble Friend confined his remarks to the Infantry. All soldiers would agree

that in that branch lay the real strength, the true test of efficiency, of an Army. He was a Cavalry officer himself, and must admit, with regard to the Cavalry, what the hon. and gallant Member for Galway (Captain Nolan) said of Artillery—that, however highly important, however indispensable—they were only auxiliary to Infantry. Looking, then, at the state of the Infantry force, so far from taking a pessimist view of its state, he considered that his noble Friend had considerably under-estimated the probable inefficients at one-fifth. All experience pointed to a much higher proportion. Even allowing his noble Friend's figures to be correct, what force had we to oppose to the armed millions of Continental Powers? Only 30,000 bayonets, after deducting those who were, from physique and extreme youth, utterly unfit to take part in a campaign. He had no remedy to propose for the present state of things beyond that proposed by his noble Friend; but there was one point intimately connected with the question on which he might make some suggestion which the War Minister might think worthy of consideration. He referred to the epidemic of desertion which afflicted the Army. He ventured to suggest that it would be advisable to have a central dépôt for all recruits at Aldershot or elsewhere that might be decided on, where they might be kept for a month's instruction; and if they deserted and reappeared, they would be again brought under the same instruction. The expense would be much smaller than with 5,572 deserters from the Army out of 20,640 recruits, very many of whom re-enlisted. Then, again, the police, who formerly received £1 for the apprehension of a deserter, now only received 10s., at the discretion of magistrates. Though extra money should not make the police more zealous in the performance of their duty, it undoubtedly did so. He also thought it would be necessary to return to the system of "marking" with the letter "D." The question admitted of no delay. When danger came—as it might at any moment—where were they to turn for help? The time had long since passed when an Army could be raised for an existent war. Could they trust to a *levée en masse*? That was a "broken reed at best." Their levies would be scattered, as Gambetta's were, like chaff before the

wind. He supported the Motion, in the belief that, if carried, it would materially assist the right hon. Gentleman the Secretary for War in the arduous task which the Army and the country felt he so ably discharged.

GENERAL SIR GEORGE BALFOUR said, though a difference of opinion might exist upon many points which had been adverted to by the noble Lord, yet everyone must agree that the bringing forward of this Motion was timely, inasmuch as it would enable the authorities to show to the country that they were alive to the importance of the subject, and quite prepared to effect those changes which were required to make our Army more efficient. He differed from the noble Lord on those points where he found fault with the present organization of the Artillery. At no time in our history had we such a fine force of Artillery as we had at the present time. We might not have a war establishment of horses; but as regarded men the batteries were nearly of the same strength as the Indian batteries, and our field Artillery in India had been maintained of late years on an efficient footing, and had never failed to perform its duties. At the present time we had no fewer than 366 field-pieces, completely manned. There might be some deficiency of ammunition waggons; but our present establishment of field batteries was considerably in excess of the establishment maintained in Germany, which had no greater advantage than we had in procuring horses. He could not from the Reports see that the recruits were inferior to those enlisted under the system of 21 years' service, although he admitted that we had failed in obtaining the improved material which had been expected from short service, the fact being that about the same class of men enlisted as formerly. In the course of the inquiry of 1866 he became well aware that there were many men in the Army under proper age, and who were not fit for the work. General Peel, in view to improve the Army by inducements to join the service, added to the pay of the soldiers, which increased the expenditure of the Army by £500,000 a-year. No doubt pecuniary advantages were a great inducement to men to join the Army; but this increase of pay, unaccompanied by the adoption of certain other recommenda-

tions of the Royal Commission, had not been effectual either in respect to increasing the number or improving the quality of the recruits. He had always considered that some improvement in the condition of the non-commissioned officers was much wanted. The practice of the Indian Army was a good example to follow; and if good men were raised from the non-commissioned grades to the warrant-officer rank to fill situations in the Store and Commissariat Departments it would elevate their position, while it would not entail upon them those expenses which made Army commissions of such doubtful advantage to them. He also viewed the present rule of enlisting every man for a fixed period of short service as unwise. He would allow a soldier great latitude as to the period of enlistment—if not for one year he would certainly let him join for three years' service. The permission to enlist for three years' service during the Crimean War was a great inducement. There was also something to learn from the experience of India under the East India Company. When he first entered the Indian service the men were enlisted under Wyndham's old Act for three periods of seven years' each. At the end of the first seven years a small bounty was given to a man if he was willing to serve for another seven years. After the 14 years he had earned the right to receive a small pension; but if he were in good health he might receive another bounty, and serve for a third period. A short service could always be extended. All that was necessary was for a soldier whose service was about to expire to give a three months' warning-notice of his intention to leave, or of his desire to extend, his service, which need not be accepted if the soldier was objectionable. Then came the difficulty of obtaining men for the existing universal service in all parts of the world. He was one of those who thought it impolitic to abolish the special European Army for India. It was too late to return to that separate Army system. He would, however, urge that the existing service at home and abroad should be so arranged as to enable recruits to know how they might enlist to go to India. Under the old system of an Indian Army when there was a difficulty in obtaining

recruits for service elsewhere the Indian service was invariably full, and any number of men might be obtained. During the Crimean War Lord Hardinge did all he could to induce the recruits for Indian regiments to volunteer for service in the Crimea, but they refused, preferring to go to India. Arrangements for obtaining recruits for colonial service might be more difficult, but something might also be done in this direction. He must say he was never satisfied with the mode in which the recruiting service was carried on. He felt disposed to advocate the separation of the recruiting department from the military branch at the War Office, believing that those duties might be more efficiently performed—separate and special branches organized in communication with or by the registrars of births, marriages, and deaths in the various districts. He thought it was worthy of the consideration of the right hon. Gentleman whether the civil organization could not be so improved and enlarged as to enable it to perform the duties which were now fulfilled by the recruiting department of the Army. He would urge improved modes of raising recruits voluntarily, in order to prevent conscription, which had been mentioned as applicable to the Militia. Once let a Government have the power of forcing men into the ranks of the Army and there was the greatest risk, as in Germany, that it would be turned into a force of an offensive description. It would be dangerous to entrust any Government with such a power. The extension of the agencies for recruiting was the most urgent needed, for the success of recruiting depended on the number of recruiters, and just in proportion as they covered the country with recruiters so the Horse Guards succeeded in obtaining recruits. The Guards always had a larger proportion of men detached for recruiting than any other regiment, and the Guards formerly never had any difficulty in obtaining the number they wanted. With respect to the formation of dépôt centres, in this view, no doubt, if rightly formed, they were improvements, but he did not think they were sufficiently numerous to secure the results in respect of recruiting which was expected of them. The noble Lord the Member for Haddington had referred

to the state of things which prevailed during the Crimean War, and compared it with that which now existed, and certainly the comparison was one which deserved attention on the part of our military authorities. During that war our Army, though largely and expensively augmented, yet it dwindled away to nearly as low a position as it was in now, or, rather, it never was able to raise the men that Parliament had voted for its ranks. That was owing to the fact that either the Militia failed to furnish the requisite proportion of recruits to the Army or to the defects in our recruiting system in not raising men, or perhaps to both causes. At all events, it was plain that, from whatever cause, the Army was then very far below its fixed establishment, and the fact was important in view of the question whether if war broke out we had the organization whereby we could bring our Army up to the requisite standard, or even be able to maintain our present force. At the present moment we had fewer rank and file than we had in 1854, while the expenses of the Army—owing, among other things, to the existence of those small and attenuated battalions which had been referred to—were greater now than they were then. During the War with Russia, our depôts held large numbers of young lads; but Lord Raglan, in the Crimea, used strong language as to these boys being sent out as soldiers; this had been and was now a great defect in our Army as compared with that of Germany. There the main body of the men were fully matured, aged from 24 to 28, in all their bodily strength, no doubt the results of universal service. He believed that with proper organization we could procure the required number for our Army of men who would be free from the defects which Lord Raglan pointed out. He quite agreed with the noble Lord (Lord Elcho) that the force of Infantry we could place in the field appeared to be small; but if they looked to their total strength which was, or could be, made available, he did not think there was any cause for alarm, seeing that they had no fewer than 208,000 privates of Infantry, including Militia, Guards, and Infantry of the Line, and under proper arrangements, these could be largely increased. With such a force, if they abstained from interfering with the affairs of the Continent, he could

General Sir George Balfour

not but think that they were in a position to defend the Kingdom and maintain the honour of the Empire.

MR. BUTLER - JOHNSTONE remarked that this question had become a most stupendous one, in view of the declaration of our Colonels that they would not be answerable for the consequences if they had to go into action with men of the class that now formed our regiments. Many useful suggestions had come from both sides of the House; but, even if they were all adopted by the Government, they would, in his opinion, bear but little fruit. The real fact requiring to be taken into consideration was the state of the labour market. He did not for a moment believe that the lack of recruits was owing to the unpopularity of the British Army, but it was due to the labour market. Seeing what large wages men could get in almost every civil employment, it was absurd to expect that in times when the excitement of war was wanting they would give up such prospects for the small pay our soldiers received. On the other hand, it would be impossible for our Estimates to bear the strain of paying our soldiers such a sum as would enable us to compete for men in the skilled labour market. It had been remarked many years ago that the question of armaments was a question of policy. Now, if there was any nation in Europe bound over to keep the peace it was England. Any English statesman who would adopt a warlike policy would be regarded as a raving lunatic. But with other nations the standing policy seemed to be one of war, and not of peace. If, then, England, with her peaceful instincts, retired from the councils of Europe, the guarantees of peace were proportionately diminished. There were probably Powers which must desire that the present state of military paralysis in England should continue; while those who, in England, desired only the continuance of her trade must observe with dismay that the voice of England was hushed among the nations. Lovers of free institutions everywhere, also, must lament that our armaments should be allowed to be the laughing-stock of Europe. It was right, then, that they should not rashly disarm, but that they should rather look well to their armaments. And this was precisely what other countries were doing. Germany led the way with her landstrum. France

with her territorial army was doing the same thing, and Austria had followed suit, all her subjects having to serve under the standard. Even Italy, which had nothing to gain from war, and Denmark and Sweden, who ought to be beyond the reach of these baneful influences, had been seized with the mania, and were in arms. What was the reason of Europe thus bristling with bayonets? It arose out of the transactions of the late war. At the end of that struggle, England was not able to prevent a territorial re-distribution. It was, in fact, a territorial re-distribution which had brought this state of things about; and the peace of Europe at the present moment was not worth 12 months' purchase. Had England been able to prevent this territorial re-distribution the certainty of European complications at no distant date would have been prevented. But England was unwilling or unable to do so. The consequence had been that Europe was now armed to the teeth. The great practical question was this—What was the military organization that would least affect the trade and the industry of the nation? He should be sorry to see our Military Estimates increased. He thought that if £14,000,000 was not enough to secure our military position there must be something more needed than the supply of money. What we really wanted was a small standing Army that could be rapidly and extensively increased in time of war. Raw recruits would be of no use in an emergency, for the war would be over before they could be made available. Lord Cardwell's Reserves were ludicrously inadequate to the task of supplementing our standing Army in case of necessity. What we required was not a Prussian, a French, or a Continental system, but an English system of reserves, which should be suited to the genius and the character of the people. In this country the people could not be hurried into war without their consent, and, therefore, we did not require those large legally organized reserves to carry out a policy which it was anticipated would be unpopular. He agreed with what had been already stated this evening, that the well-drilled men who should swell the ranks of the Regular Army in time of war should come from the Militia. He should like to see the Militia formed into a permanently embodied force, in which every man in Eng-

land, whatever his rank or position, should be required to serve for 12 months. At the end of the term of service, the men should be allowed to merge themselves in the civil population, and no compulsion should be used to force them again into the ranks even in time of war. He had such confidence in the military spirit of the nation that he was certain that in time of danger such numbers of well-drilled men would rush into the Army as would astonish the world. Should such a system be adopted, our standing Army might be still further reduced, and we might return to the old system of long service. To some such system the country must eventually come if we wished to preserve our position, and not to become a cypher in the councils of Europe or the prey of nations that envied our greatness and our foreign possessions. He could not concur in the noble Lord's expression of astonishment at finding that the hon. Member for Finsbury (Sir Andrew Lusk) regarded some form of compulsory enlistment as inevitable. Patriotism and public spirit were not a monopoly of either side of the House; and when it became desirable to adopt compulsion, hon. Members who sat on the Opposition benches would no doubt be as ready as others to give it their support. It was not a question which could be brought at once to an issue; the feeling of the country was not yet prepared for compulsion; but he, for one, felt confident that the military system of England would eventually be placed on a satisfactory basis. Whatever might happen, he trusted this would never become a Party question.

MR. W. M. TORRENS said, he could not agree with some of the observations of the hon. Member opposite (Mr. Butler-Johnstone). He must dissent from the doctrine that the exigencies which were anticipated as possible required the House to consider whether it was not their duty, in some form or other, to entertain the principle of compulsory military service. Surely the richest country in the world did not require to have recourse to the expedient of imposing a poll tax upon the people. That was a semi-barbarous proceeding, of which despotic and bad Governments were so fond, and which was the curse of modern Europe. He supposed there was not a man in that House that did not deplore the exigency of war; but he

hoped, also, there was not one who would not be ready to support a Minister who, at the risk of unpopularity, did not shrink from coming down to that House informing it that an ally was in danger, and proposing to it what his Cabinet thought necessary for maintaining the historic honour of the country. At the same time, he had for the last few years regarded with increasing anxiety the very imperfect system of recruitment existing in connection with our Army. Four years ago, as the result of a Motion he made, an Address was presented to Her Majesty praying that—

"She will be graciously pleased to give directions that measures be taken to prevent as far as practicable Soldiers enlisted in any Regiment of Cavalry or Infantry of the Line, being called upon to serve Her Majesty out of the United Kingdom, who shall not have attained the age of twenty years."

The Royal Message, in reply, said—

"The subject of your Address had already engaged the attention of My Government, and I have given additional directions in conformity with your desire."

There could be no higher authority on this subject than Professor Aitkin, of Netley, who had forcibly drawn attention to the high percentage of soldiers under 20 brought to the hospital, and who, in a preface to one of his lectures, had written as follows:—

"If military duties and drill do not lead directly to the premature death of the young soldier, they sooner or later lead to his discharge as unfit for duty. Thus he becomes a burden on the civil population, with one or more of his vital organs damaged, for the remainder of his life."

However difficult and at whatever cost he abjured the Minister that this wretched system should cease for ever. In no other country in the world was the physiological and practical mistake made of risking the defence of the country on the shoulders of those who were incompetent and incapable of doing the work required of them. He spent yesterday at Netley, and the best request he could make was that Members should visit that place and see the patients for themselves, and they would not wonder, when they considered that these young men had to undergo hunger, thirst, and night watches, and were liable to every disease and tropical ailment, that the Army

Mr. Butler-Johnstone

dwindled in numbers. He trusted that the right hon. Gentleman the Secretary for War would keep the pledge given four years ago, and, moreover, that he would adhere to the words he had himself spoken a few weeks ago when he moved a Vote of £4,500,000 for 129,000 men. It was men the money had been voted for, and men they ought to have. In Germany, about which we heard so much, no one was allowed to bear arms before he was 20. [Lord ELCHO: Twenty complete.] Indeed, there could not be found in any European country a parallel to the state of things in this. The way to maintain peace was to let our neighbours see that we were able to maintain it; there was no other security for us now-a-days, and we could never vindicate ourselves to our people and our children unless we took care sometimes, when the country was quiet and prosperous, to obtain an efficient Army. That eminent physician, Sir William Fergusson, referring to the extreme youth of our soldiers, said—

“There is good reason to believe that evil must arise from sending recruits to India at an early age. Men of experience are against the practice, and, physiologically, I consider it unfair to the constitution of a born Englishman.”

The Chancellor of the Exchequer appeared to entertain the idea that we should keep the peace *volens volens* as long as possible, and that with that view he was prepared to charge the country with a larger sum than was otherwise necessary in order to pay off the National Debt. He (Mr. Torrens) was prepared to vote any amount of money that might be necessary to secure real soldiers and place the defences of the country on such a footing that no jealous, envious, or ill-natured enemy dare attack us. The pension which formerly induced adults to join the service had been taken away, and now they wondered that men did not enlist. He said, let them restore the pension which their fathers were wise enough to offer the soldier, and let them also, if requisite, give him better pay. He believed that the people of England were not so degraded, so unworthy of the name they bore, to whatever party they belonged, as to shrink from the sacrifices which might be demanded of them to uphold the honour and security of their country.

COLONEL NORTH said, that the question was how were they to have an Army for the defence of the country, and it appeared to him that they were doomed never to gain anything by experience. The Royal Commission of 1866 on Recruiting gave a most prophetic warning, winding up their Report by remarking that recent events had taught us that we must not rely in future on having time for preparations; that wars would be sudden in their announcement and short in their duration; and woe to the country which was unprepared to defend itself against any contingency that might arise or any combination that might be formed against it. Those words were scarcely written before the war between Prussia and Austria in 1866, followed three or four years later by the struggle between France and Germany, occurred to give them only too complete a verification. Were we, he asked, only to look to the defence of the country, and never to contemplate the time when we might have to fulfil any of the engagements into which we had entered? Again, were we in a position to meet such another war as that of the Crimea, and also at its close to encounter another Indian Mutiny, should the stern necessity arise? Why, only two years ago, when an expedition of about 2,000 men was about to be sent into Africa, we were obliged, in order to find those men, to break up three regiments; and that fine regiment the 42nd Highlanders had to borrow 137 men from the 79th Highlanders. Was that, he asked, a state for an Army to be in? In 1868-9, when Sir John Pakington was War Minister, our force was 137,530 men; but in 1869-70, the year in which the Franco-German War broke out, when Mr. Cardwell succeeded him, the number was reduced by 24,000. He believed great harm had been done to the different branches of the service by the constantly changing policy which had been pursued. The Army of this country in time of peace might be comparatively small; but, whatever it was, it should be in the highest state of efficiency, and capable of expansion upon the contingency of a sudden outbreak of war. Who were the men to keep up the real *esprit de corps* of our Army? The old soldiers of our military service of whom the Duke of Wellington said that they were the soul and strength of the regi-

ment; and Lord Cardwell had said much the same thing. But where were they now to be found? He deeply regretted the withdrawal of the old pension system, believing that the change had had a most injurious effect upon our military strength. The system of economy had been carried to such an extent that the defences of the country were seriously imperilled. As an illustration of that system, he might mention this fact. A regiment which was quartered in Dublin applied for an escort to carry its colours to Lichfield Cathedral, to be there deposited. The answer given to the application was, that a sergeant might be sent in charge of the colours, but the country must be put to no expense on account of the matter. An officer of the regiment, being disgusted with this reply, carried the colours himself to Lichfield Cathedral; but on approaching the place of their destination he was met by a crowd who followed him under the belief that he was an acrobat. He fully agreed with many of the remarks of the noble Lord the Member for Haddingtonshire (Lord Elcho), especially as regarded the class of men who were now enlisted into our regiments, and he hoped the Government would give the subject their earnest attention.

MR. CAMPBELL - BANNERMAN said, they had had speeches addressed to them that night from almost every quarter of the world of military criticism. There was one thing which he observed in connection with debates on this subject—that so long as the speakers confined themselves to the destructive part of the argument their unanimity was wonderful; but the moment they attempted to disclose to the House the cures they would apply to the evils they were so forward in exposing their unanimity ceased, and they became wide as the poles asunder. So far as he could make out, also, if any one of their theories were adopted, the supporters of the other theories would bestow upon it more acute criticism and view it with even greater animosity than they displayed towards the system which now existed. He had a few words to say, first as to the evils alleged to exist, and then as to the remedies proposed. They had heard a great deal as to the numbers in the Army. The noble Lord the Member for Haddingtonshire had taken the year

1853, and had compared the number of Infantry at that time with the number of Infantry serving in 1873. Now, he would observe that the year 1853 was one in which there was a larger force maintained in the United Kingdom than in the previous or subsequent years. The number of Infantry was 50,458 in 1851; 45,932 in 1852; 53,651 in 1853; and 49,325 in 1854; but he presumed the noble Lord took the year 1853 because it was exactly 20 years before 1873. [Lord Elcho: I took the Infantry on the whole establishment, in England and the Colonies.] The noble Lord had spoken of the Infantry in England, Scotland, and the Channel Islands, and then went on to refer to the whole establishment. It was of the former only that he was now speaking. Of course, the noble Lord was entitled to take for the purpose of his comparison a year exactly 20 years distant, but it was only fair to remark that, as it happened, in that year the force was exceptionally large. Having stated that, in 1873, there were altogether, rank and file, only 50,830, the noble Lord had proceeded to make certain deductions; but, of course, if a comparison were instituted between that year and a year two decades before it, a similar deduction must be made in the earlier year. The comparison in that case would not appear so unfavourable. But what was the real difference in the two cases? Whereas, in 1853, that number of Infantry represented a small number of cadres full of men, in 1873 it represented 70 cadres—a very much larger number than before—kept at a low strength, but capable of being filled up from Reserves. That was the system on which the Army was now constituted, and hon. Members must not forget the advantage of it when it should be complete. It was said we had not the means of filling the cadres up, and several speakers had referred to the fact that there were only 7,000 in the Army Reserve. But the reason was very simple; it was that the short-service system had not yet come into play; for there was not a single man who had entered the Army under it and passed into the Reserve. The six years not having elapsed, those 7,000 men who were so often spoken of as an inadequate Reserve were all long-service men who, as occasion offered, had been allowed to

Colonel North

pass voluntarily into the Reserve, and thus they were entirely over and above any calculation that might be made as to the result of the short-service system proper. That fact was constantly ignored or forgotten; but he hoped the House would understand now that the Army Reserve which would result from short service had not yet come into existence. As to the Militia Reserve, 28,000 was the existing number. Many objections had been urged to this Force, to which he might simply reply that the Militia Reserve had been maintained, because there was no Army Reserve; and he presumed that when the latter reached its full proportions—which it must do as the men went out from the service with the colours—then the Militia Reserve might, at any time, be put an end to, if it were found desirable. It never professed to be more than a stop-gap. The real object of short service was to obtain elasticity. They had heard a good deal about the Crimea from the noble Lord and the hon. and gallant Member for Westminster (Sir Charles Russell). The House was told that if we again attempted to take a Sebastopol or to suppress an Indian Mutiny we should fail; and in a former debate the hon. and gallant Member for Renfrewshire (Colonel Mure) told them very graphically of the wretched boys who were sent to the Crimea and trampled to death at the storming of the Redan. The effect of short service would be to prevent the possibility of any such calamity occurring again. The very reason why those boys were sent out to the Crimea was that we had no Reserve at that time, and the gaps caused by disease, fatigue, wounds, and death had to be filled by imperfectly drilled and imperfectly developed recruits. In future old soldiers would be sent out, and this would be done under the short service system. That was the theory and intention of the system. [Lord ELCHO: Hear, hear!] He was glad that the noble Lord admitted so much. As to the number of recruits, the Reports of the Inspector General of Recruiting were taken, he presumed, as being satisfactory on that head; for last year, the great inflation of the labour market having ceased, recruits came in in sufficient numbers, so that recruiting was almost allowed to cease. More, indeed, was said as to their quality.

For his part, he preferred facts to rumours or assertions, and attached more importance to statistics, compiled by responsible officers, from details furnished by other responsible officers, and laid on the Table by the Head of the Department, than to vague reports of what one or another officer said. The House had been told that every officer one met said that the recruits were unsatisfactory. The statistics circulated that morning furnished a complete answer to that allegation. What were the answers of officers commanding regiments with regard to recruits sent to them from April to December, 1874? There were answers from 136 commanding officers. Of these 78 were "satisfied;" 26 were "fairly satisfied;" and 32 only were "dissatisfied." The noble Lord had read the "remarks" appended to this Return as if they applied to the whole of those answers from commanding officers; but those unfavourable remarks came only from the 32 "dissatisfied" officers. And the House would observe how entirely this Return confirmed the opinion expressed by the Inspector General of Recruiting in his Report. What did he there state of the Infantry recruits? He said—

"In a large majority of regiments and dépôts the quality is satisfactory. A smaller proportion is fairly good, but in many instances complaints are made to a degree that is far from satisfactory."

This Report, which had been issued before the Inspector General knew anything about the answers just referred to, was the exact counterpart of those answers, so that the genuine character of the Report was established, although it was said such Reports were not to be depended on as they were made to suit the Heads of Departments. With regard to the physical qualities of our soldiers, according to the latest Return, in the whole Army there were only 111 in 1,000 men under 20 years of age, and 334 in 1,000 from 20 to 25 years. The general average age of Infantry recruits was 19 years 9 months and one-fifth. The hon. Member for Finsbury (Mr. Torrens) had spoken of sending recruits to India under the full age, and had drawn a terrible picture of the skeletons he had seen of young soldiers, practically killed by the hard work imposed upon their immature strength. He did not

ment; and Lord Cardwell had said much the same thing. But where were they now to be found? He deeply regretted the withdrawal of the old pension system, believing that the change had had a most injurious effect upon our military strength. The system of economy had been carried to such an extent that the defences of the country were seriously imperilled. As an illustration of that system, he might mention this fact. A regiment which was quartered in Dublin applied for an escort to carry its colours to Lichfield Cathedral, to be there deposited. The answer given to the application was, that a sergeant might be sent in charge of the colours, but the country must be put to no expense on account of the matter. An officer of the regiment, being disgusted with this reply, carried the colours himself to Lichfield Cathedral; but on approaching the place of their destination he was met by a crowd who followed him under the belief that he was an acrobat. He fully agreed with many of the remarks of the noble Lord the Member for Haddingtonshire (Lord Elcho), especially as regarded the class of men who were now enlisted into our regiments, and he hoped the Government would give the subject their earnest attention.

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1853, and had compared the number of Infantry at that time with the number of Infantry serving in 1873. Now, he would observe that the year 1853 was one in which there was a larger force maintained in the United Kingdom than in the previous or subsequent years. The number of Infantry was 50,458 in 1851; 45,932 in 1852; 53,651 in 1853; and 49,325 in 1854; but he presumed the noble Lord took the year 1853 because it was exactly 20 years before 1873. [Lord Elcho: I took the Infantry on the whole establishment, in England and the Colonies.] The noble Lord had spoken of the Infantry in England, Scotland, and the Channel Islands, and then went on to refer to the whole establishment. It was of the former only that he was now speaking. Of course, the noble Lord was entitled to take for the purpose of his comparison a year exactly 20 years distant, but it was only fair to remark that, as it happened, in that year the force was exceptionally large. Having stated that, in 1873, there were altogether, rank and file, only 50,830, the noble Lord had proceeded to make certain deductions; but, of course, if a comparison were instituted between that year and a year two decades before it, a similar deduction must be made in the earlier year. The comparison in that case would not appear so unfavourable. But what was the real difference in the two cases? Whereas, in 1853, that number of Infantry represented a small number of cadres full of men, in 1873 it represented 70 cadres—a very much larger number than before—kept at a low strength, but capable of being filled up from Reserves. That was the system on which the Army was now constituted, and hon. Members must not forget the advantage of it when it should be complete. It was said we had not the means of filling the cadres up, and several speakers had referred to the fact that there were only 7,000 in the Army Reserve. But the reason was very simple; it was that the short-service system had not yet come into play; for there was not a single man who had entered the Army under it and passed into the Reserve. The six years not having elapsed, those 7,000 men who were so often spoken of as an inadequate Reserve were all long-service men who, as occasion offered, had been allowed to

pass voluntarily into the Reserve, and thus they were entirely over and above any calculation that might be made as to the result of the short-service system proper. That fact was constantly ignored or forgotten; but he hoped the House would understand now that the Army Reserve which would result from short service had not yet come into existence. As to the Militia Reserve, 28,000 was the existing number. Many objections had been urged to this Force, to which he might simply reply that the Militia Reserve had been maintained, because there was no Army Reserve; and he presumed that when the latter reached its full proportions—which it must do as the men went out from the service with the colours—then the Militia Reserve might, at any time, be put an end to, if it were found desirable. It never professed to be more than a stop-gap. The real object of short service was to obtain elasticity. They had heard a good deal about the Crimea from the noble Lord and the hon. and gallant Member for Westminster (Sir Charles Russell). The House was told that if we again attempted to take a Sebastopol or to suppress an Indian Mutiny we should fail; and in a former debate the hon. and gallant Member for Renfrewshire (Colonel Mure) told them very graphically of the wretched boys who were sent to the Crimea and trampled to death at the storming of the Redan. The effect of short service would be to prevent the possibility of any such calamity occurring again. The very reason why those boys were sent out to the Crimea was that we had no Reserve at that time, and the gaps caused by disease, fatigue, wounds, and death had to be filled by imperfectly drilled and imperfectly developed recruits. In future old soldiers would be sent out, and this would be done under the short service system. That was the theory and intention of the system. [Lord ELCHO: Hear, hear!] He was glad that the noble Lord admitted so much. As to the number of recruits, the Reports of the Inspector General of Recruiting were taken, he presumed, as being satisfactory on that head; for last year, the great inflation of the labour market having ceased, recruits came in in sufficient numbers, so that recruiting was almost allowed to cease. More, indeed, was said as to their quality.

For his part, he preferred facts to rumours or assertions, and attached more importance to statistics, compiled by responsible officers, from details furnished by other responsible officers, and laid on the Table by the Head of the Department, than to vague reports of what one or another officer said. The House had been told that every officer one met said that the recruits were unsatisfactory. The statistics circulated that morning furnished a complete answer to that allegation. What were the answers of officers commanding regiments with regard to recruits sent to them from April to December, 1874? There were answers from 136 commanding officers. Of these 78 were "satisfied;" 26 were "fairly satisfied;" and 32 only were "dissatisfied." The noble Lord had read the "remarks" appended to this Return as if they applied to the whole of those answers from commanding officers; but those unfavourable remarks came only from the 32 "dissatisfied" officers. And the House would observe how entirely this Return confirmed the opinion expressed by the Inspector General of Recruiting in his Report. What did he there state of the Infantry recruits? He said—

"In a large majority of regiments and depôts the quality is satisfactory. A smaller proportion is fairly good, but in many instances complaints are made to a degree that is far from satisfactory."

This Report, which had been issued before the Inspector General knew anything about the answers just referred to, was the exact counterpart of those answers, so that the genuine character of the Report was established, although it was said such Reports were not to be depended on as they were made to suit the Heads of Departments. With regard to the physical qualities of our soldiers, according to the latest Return, in the whole Army there were only 111 in 1,000 men under 20 years of age, and 334 in 1,000 from 20 to 25 years. The general average age of Infantry recruits was 19 years 9 months and one-fifth. The hon. Member for Finsbury (Mr. Torrens) had spoken of sending recruits to India under the full age, and had drawn a terrible picture of the skeletons he had seen of young soldiers, practically killed by the hard work imposed upon their immature strength. He did not

know how far the hon. Member's investigations into those skeletons and bones had gone, but this he, for his own part, would say, that taking the opinion of the medical officers of the Army generally, and not of scientific men who had far less practical knowledge of the subject, he found that in the Report for 1874 they expressed themselves as—

"fully satisfied with the physique and general appearance of the men who have joined the several corps. A very few exceptional cases have been remarked upon, chiefly of lads, objected to as being deficient in stamina and bodily development; but these in nearly all instances have grown since into strong healthy young men."

They must bear in mind that these recruits were engaged to serve in the Army a short time with the colours, and then in the Reserve. They passed through their drill and acquired a knowledge of their duties while young; then they were passed into the Reserve, and would be the men to be brought out in the First Line in case of war. By that time instead of being 20, they would have reached the age of from 23 to 25, or more, so that they were not dependent upon those young soldiers, as they would be if they had no Reserves. The other statistics as to physical condition were likewise satisfactory. In the Army there were only 200 men in 1,000 under 5 feet 6 inches in height; while, as to chest measurement, there were 709 in 1,000 who were 35 inches and over. Next, came their moral qualities. It appeared from the Report of the Director General of Education that the standard of education among the soldiers was improving. As to medical condition, the latest Report, for 1872, showed that "all the ratios were considerably above the average." What were the facts as to desertion? The percentage of desertions to recruits in 1861 was 41. In 1870, during the excitement of the war, it fell to 12. In 1872 it rose to 33, in 1873 it was also 33, those being years of great excitement in the labour market, and in 1874 it fell to 27. Taking the net loss by desertion, the percentage of deserters to recruits in 1869, when the late Government came into office, was 18; in 1874 it was 17. And it must be remembered that the abolition of branding undoubtedly greatly facilitated desertion. But that step was taken at the

urgent instance of Parliament, and Parliament was not likely to retrace it. The result of a review of the whole case appeared to be that they were able to hold their own, in the competition for recruits, in the unskilled labour market. He did not say that it might not be better if they could get a higher class of men; but what they really required was to obtain able-bodied and intelligent men, and those they found in sufficient numbers in the classes engaged in unskilled labour. If they attempted to obtain recruits from the class of skilled labourers, they would have to raise the pay of the soldiers considerably, and they had no assurance that they would not experience the same difficulties with which they had now to deal. In prosperous times artisans might desert the Army for other employments, and their abstraction from the industry of the country would indirectly but effectively add to the cost of the Army to the country. They were at present able to compete with success in the unskilled labour market, and the sensible course appeared to him to be that they should trust to the advantages which their soldiers received being better appreciated than they were at present. It was not a question of wages; the mere pay of the soldier might be small; but he had many advantages over his fellows in civil life. He was better housed, clothed, looked after, and fed; he had medical attendance, reading-rooms, recreation rooms, and many comforts, and luxuries, of which those in the same position outside of the Army had no notion at all. Nothing was better calculated to make these advantages known and appreciated than the district system, the object of which was to search out every corner of the country, and to bring the advantages of the Army to every man's door. Coming now to the other end of the soldier's active service, he would say a few words of the Reserves. The pay of the Reserves, 4d. a-day, was only a retaining fee, and until it was found to be too little, it would not be prudent to raise it; it was the pay of the Royal Naval Reserve, and the answer to the statement that the Reserves would not be forthcoming when required was that on the occurrence of the *Trent* affair the men of the Naval Reserve turned up in a way which exceeded the anticipations of those who founded that Reserve.

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For the purposes of identification of the men nothing was required but local watchfulness, and that was furnished by the brigade *dépôt* system. The existing Reserves, it should be remembered, as he had already pointed out, were not the fruit of the short-service system. That system was calculated to give the country a large Reserve; and he believed that if it were completely carried out, the Reserve would reach a normal strength of 80,000 men. [An hon. MEMBER: When?] He could not say exactly, not having the figures before him; but his impression was in 10 or 12 years. And now he wished to glance at the alternatives they had been offered as a substitute for the present system. The alternatives proposed were two—first, there were those who would extend short service further and give higher pay, and thus, as they thought, obtain a better class of recruits. On the other hand, there were those who would have compulsory service in some form or other. He would remind the House that there was one essential postulate underlying both these proposals, which was that there should be separate Armies for India, the Colonies, and the British Isles. Parliament some time back put an end to the system of maintaining a separate Army for India, and he did not think the Government of the present day was likely, except on the strongest possible grounds, to reverse that policy. So long as it continued to be the policy of Parliament, it was incumbent upon those who advocated its reversal to prove their case, and it was not for him to disprove it. He therefore wished the House to understand that he was not undertaking to set before it a fair statement of the arguments against that proposal, but he wished to indicate a few of the considerations which lay on the surface of the question. There was no doubt that if they were to accomplish the tripartite division of the Queen's Forces, the solution of the whole problem of military organization would be greatly facilitated; but it could not be accomplished without the greatest difficulty. How could that *esprit de corps*, and that regimental system so dear to hon. and gallant Members, survive such a division? Which regiments should we assign to home service, and which should we banish to India? Again, those who maintained that there should be three

armies, and, at the same time, advocated an elastic short-service system, seemed to forget that the armies for India and the Colonies must be long-service armies, and that there would be no Reserves to fill their ranks. At present the officers and men of the British Army had a varied and adventurous service, which gave them an experience in their profession which no other Army acquired, and of which they would be deprived by a division of their forces. If the Army were divided into three portions, the home division would become little better than a well-drilled Militia, the Colonial Army would be degraded into little more than a police, and the Indian Army would be subject to those evil influences which in former days had such a fatal effect on its efficiency. The House would see the importance of this question, which could not be urged too strongly, for if the division of the Army was a condition which must be granted before certain schemes came into operation, and if it was an impossible condition, then those schemes were, of course, utterly impracticable. The hon. Member for Hackney (Mr. J. Holms) proposed that the pay of their Home Army should be increased by 6*d.* a-day, and that the Reserve should receive £30 per man; but that was a very large addition to make all at once, without any good reason for it, if we could get men without it, and he (Mr. Campbell-Bannerman) would be curious to see how this scheme could be worked out without a large addition to the Estimates. He did not see how a Home Army of 66,000 men serving for three years could be kept up, as his hon. Friend said it could, by 20,000 recruits annually, or how an Indian Army of 66,000 serving for seven years could be maintained by 8,600 annual recruits; and they might well doubt some of the more far reaching and elaborate calculations of his hon. Friend, when the figures which lay upon the surface were so open to question. His hon. Friend, both in the House and out of it, had frequently urged the necessity of having a business-like organization and system in the Army. Now, having had some short experience in the world of business, as well as in the official world and in public life, he had no hesitation in asserting, and he thought it right to say so, that the monopoly of business

qualities was not confined to business men, but that many public servants and soldiers had as much business-like capacity as was to be found in the world of business itself. Now, with regard to the question of conscription, it seemed to him to be open to very serious objections, not on the high ground of the freedom of the individual, but because, however applied, whether enforced for the Regular Army or for the Militia, or any branch of the Service, it was the most unfair means of carrying out the defensive arrangements of the country. It was taxation by lot; taxation equally heavy, whether it took a man's money in the payment of a substitute, or his own time and service. If every man was to serve it would be equal all round; but he did not know whether the hon. Member for Canterbury (Mr. Butler-Johnstone) had ever considered the enormous drain on the productive industry of the country which would be involved by every man serving for a year in the Militia. He trusted that the country would not submit, save in the last necessity, to be reduced to such a dreadful alternative as that of compulsory service in the Army or the Militia. The noble Lord's idea was, he believed, that conscription should be applied to the Militia, with an exemption for the Volunteers. [Lord ELCHO: Under the existing law.] Did not the noble Lord know the result of the application of that law? In 1803, Mr. Addington passed a law for compulsory service in the Army and Militia, with an exemption for the Volunteers. And what took place? Why, that out of 500,000 persons liable to serve, 420,000 offered themselves as Volunteers. The noble Lord's way of keeping up the Volunteer Force, whose great glory was its spontaneous character, would be to frighten people into it by the threat of conscription. And if there was to be this universal service in the Militia, would it have no effect on recruiting for the Army? Men passed in large numbers from the Militia into the Army. Between 4,000 and 5,000 had done so last year. But surely, if men were compelled to serve in the Militia, many who now offered themselves as recruits for the Army would not do so. What was the effect at the beginning of the present century? Mr. Windham, in speaking on the subject, said that—

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"The right hon. Gentleman (Mr. Addington) had not only not provided an Army, but had rendered it impossible that an Army should be provided, for the Volunteer system had locked up 400,000 of the active men of the country."

These were very serious precedents, and worthy of consideration. He would ask the House what was the right thing to do at the present time? The systems both of short service and of localization were introduced a very few years ago. The short-service system had never yet been completed. No men who had entered under it had passed into the Reserve. The localization system had only been just set up; the officers were not thoroughly familiar with their new duties; many of the depôts were not even formed; and it was idle to suppose that any great results could have occurred. His right hon. Friend the Member for Pontefract (Mr. Childers), speaking the other night of the conduct of the House in its dealings with the Foreign Loans Committee said, that it reminded him of the action of children who sowed seeds, and dig them up to see whether they were growing. But if the House adopted the Motion of the noble Lord, it would go far beyond the impatient curiosity of children, for it would condemn a system which had not even had a chance of failing, and would dig up the seed for the express reason that the grain was not already garnered, at a time when the most that could be expected would be to see the tender blade appearing above the surface of the earth.

COLONEL BARTTELOT said, he thought the hon. Member for Stirling Burghs (Mr. Campbell-Bannerman) had shown clearly the position in which the late Government had left the Army of this country, and the question for consideration now was, what was necessary to be done under the circumstances of the case? The noble Lord (Lord Elcho) had said that there were no appreciable Reserves—that the short-service system had not come into play, and that only 7,000 men had gone into the Reserve. But he did not point out that even with that small number the late Government had not the moral courage to let the country know that these men were actually a reserve. The hon. Member for Stirling Burghs admitted that the system had so far failed that they had not got that class of recruits which he and Lord Cardwell expected to get—

MR. CAMPBELL - BANNERMAN observed, that he had not said anything about the class of recruits, but that it was not proposed to go out of the class of unskilled labour.

COLONEL BARTELOT said, he would not argue that point further. Everyone knew from what class the recruits were obtained. The whole case was summed up in the demand for labour. When labour was dear recruits were very scarce. When men could not obtain labour they entered as recruits. But, notwithstanding the dearness of labour, and the other circumstances which had occurred during the last four years, the Returns showed that 118,161 men had been recruited for the Militia, and that 79,193 men had been recruited for the Army, making a total of 197,354. In view of this remarkable result of the voluntary system, how, he asked, could they with any show of reason propose to introduce a conscription? He thought, however, that his noble Friend had done good service in bringing the question before the House; because the discussion which had taken place would show his right hon. Friend the Secretary for War what were the opinions of the House on the subject. He agreed with the hon. Gentleman opposite that the two systems introduced by Lord Cardwell had not yet had a fair trial, and that it would be madness to ask the Secretary for War to do something very different. But there were many things which ought to have been done by Lord Cardwell which had been left to his successors properly and judiciously to carry out. The *depôt* system had been established, and a certain number of colonels, with large staffs, had been appointed; but when they got recruits in certain districts, it was found that they were wanted in other parts of the country, and some of them had actually been sent from Chichester, recruits that ought to have joined the 35th Sussex regiment, to join a Highland regiment in Scotland. That was certainly not carrying out the *depôt* system to its legitimate conclusion. He would venture to ask the Secretary for War, in dealing with this question, to begin with the privates, and see whether it was not possible to do away with some of the stoppages, and out of those stoppages to provide a fund which might be given to them when they left the Army. He

would also ask, with regard to the corporals, and especially the lance-corporals, and lance-sergeants as well as sergeants, that their pay should be increased, and that when these men left their regiments, and by reason of their good conduct were appointed either to the Militia or Volunteers, their service in the Militia or Volunteers should count and entitle them to a pension for so many years' service therein. If these suggestions were acted upon, he believed a better class of recruits would be brought into the Army. He thought we should have 25 regiments filled up to their proper strength, and fit to land in any part of the world. As to a Reserve, he wished his right hon. Friend to bear in mind that the great object of a Reserve was, that when our regiments were sent abroad, they should be filled up with men who were trained soldiers and of a certain age. But a man who had left the Army for several years was not fit, at a moment's notice, for foreign service. The authorities ought, therefore, to know where every man who joined the Reserve was to be found. He should not be allowed to leave one district to go to another without giving notice to the proper authorities; and he ought to be called up every year for 12 days' training. Besides this, care should be taken that he had proper clothes and accoutrements, and was practised in the use of the arm with which he would be supplied. That was a very important point in these days of new inventions, and in the change of weapons which these inventions involved. He knew that the reason which had been urged against dealing with our Army Reserve was that farmers and manufacturers would not employ men who were liable to be called out for 12 days' training every year, and to be drafted for foreign service if required. He had a far higher opinion of Englishmen than to believe that they would be influenced by such motives as these. He believed that the classes he had named were as anxious and determined as any class to support the honour of our flag and the honour of the nation in every part of the world.

COLONEL MURE said, he knew that in seconding the Motion of the noble Lord he was undertaking a grave responsibility, inasmuch as the Motion was one to a certain extent of want of confi-

dence in one of the great Departments of the State. The most extraordinary thing which had struck him in all these discussions was the exceeding apathy that existed on the subject, both in Parliament and in the country. We spent £14,000,000 yearly on our Army, nearly one-third of the entire Revenue of the country, excluding the interest on the National Debt; and yet, when the subject of the Army came before Parliament, it excited no sympathy either in that House or without it. It appeared as though people who spent their lives in making money by civil and commercial pursuits had never realized to themselves what an Army should be, but looked upon it as a kind of toy, to be kept up with red clothes and other external paraphernalia. But in this country, as in others, the existence of an Army was a grave burden on the resources of the country; and when the time came for active service, either abroad or at home, and we found our Army inefficient, it would cause a great amount of commercial ruin and of widespread suffering among all classes. He saw great danger in the apathy which prevailed as to the inefficiency of the Army at the present moment. His hon. Friend the Member for the Stirling Burghs (Mr. Campbell-Bannerman) had made a speech that night, the whole object of which seemed to be to seek the domestic convenience of this country, instead of recognizing its dangers. The responsibility which the Minister of War had taken upon himself was a grave one. It was the custom of this country to place at the head of the Army and Navy Gentlemen who had no professional knowledge of either of those Departments. In Mahomedan countries some officials were bound to read certain portions of the Koran and learn them by heart, in order that they might be reminded of the gravity of the duties they had before them, and he should like the Secretaries for War in this country to read the Report of the Commission that inquired into the sufferings of our troops in the Crimea, in order to remind them of the value of private information about the Army as opposed to purely official information, and to warn them of the mistakes of red tape. He would like them to read the history of the Redan, to be warned of the danger of enlisting lads and trusting to them; and to read the

history of the Indian Mutiny, in order to be warned against the danger of living in a fool's paradise. If the Secretaries for War, as they came into office, would read those melancholy chapters of British history, such discussion as they had had that evening would not be needed. It would be no consolation to us, if some day a terrible national disaster befel us, that we had carried out the principle of appointing unprofessional men to the control of these professional services. It had been stated that a Departmental Committee had been appointed to inquire into, and report on, the condition of the Army. He had understood that the War Office and the Horse Guards were thoroughly acquainted with the condition of the Army and of the recruits. They had every means of acquiring the information; the recruiting centres and all the regiments were only a few hours' distance from each other, and information could be easily and speedily obtained. The country paid enormous sums for the supervision, regulation, and management of the Army and of recruiting, as set forth in yearly and half-yearly Reports, prepared by a costly staff at the War Office. He had always supposed that the information department in the War Office was a going concern, not needing to be galvanized into life by pressure from without. But, if that was the case, how was it that the Secretary for War and the Commander-in-Chief had been obliged to issue a Commission of Inquiry into Recruiting? Had not annual Returns been sent in for the last seven years? Had they not Major General Taylor's Return? If the Departments were masters of their duties, why send out a Commission? There could be no greater proof of apathy, not in the country alone, but where above all it ought not to reign, than in the issue of this Commission. Then there was a most extraordinary conflict of opinion with respect to the condition and physique of the men. He recollected Lord Cardwell, when a Member of the House, saying in the course of a debate which took place in 1873, that any one who had been present at the Autumn Manceuvres of the previous year, and seen the admirable condition and regular marching of the men, must be a very fastidious person if he was not satisfied with what he saw; but if the

House would turn to the Medical Report for that year they would find that those who took part in those Manœuvres were picked and selected men. In fact, a vast number of wretched youths had to be left behind because they were physically incapable. The noble Lord the Member for Haddingtonshire (Lord Elcho) had shown that the case was still worse in that year. In 1874, Lord Sandhurst brought this question under the notice of the House of Lords, when he told their Lordships that the recruits for the Infantry were wretched lads who could not carry their knapsacks. Lord Sandhurst, he would remind the House, had much more experience of the Infantry than any living man, whereas Lord Cardwell had none. He had served in the Infantry; he had spent his youth there; and was now in command of the garrison of Dublin, the largest Infantry force in the United Kingdom; but nevertheless, in contradiction of his statement, Lord Cardwell said, that the Medical Report on the condition of the men was satisfactory. If Lord Sandhurst was right Lord Cardwell was wrong, and if Lord Cardwell was right Lord Sandhurst was wrong; for if both were right then the Medical Report must have represented that a force of wretched youths who could not carry their packs was satisfactory, which was a *reductio ad absurdum*. In fact, they had the most lamentable accounts of those weeds and boys. Dr. Leith Adams reported that the assurances of improvement were not realized, and he spoke of the staminaless youths who came from the great cities. He (Colonel Mure) had received that day a remarkable document. On the 9th of March the Secretary for War went to Aldershot and inspected the recruits of 1873 and 1874. He did not see the soldiers who had developed out of the recruits of 1871 and 1872, nor did he go to the hospitals and inquire the opinion of the medical men. The document, however, showed that in one of the three hospitals situated there, there were on the 9th of March, 261 patients, and of these there were 54 boys under the age of 20; in the second hospital there were 199 patients, of whom 51 were boys under 20 years of age; in the third there were 136 patients, including 19 boys under 20 years of age. He would now direct the attention of the House to the extra-

ordinary increase in invaliding which had taken place since the introduction of the new scheme. During the three years 1867, 1868, and 1869, the number of those invalided at Aldershot was 622; but in the three years 1872, 1873, and 1874, the number invalided was 1,168. Great as was the increase of invaliding exhibited by those figures, the percentage of the youths included in them showed a still larger increase. He had not the exact figures, but it was something very great. If they went on descending lower and lower in the scale of efficiency they would come to the condition of the giver of the wedding feast in Holy Writ. When they could not get good men to come in and join the Army, they would have to send out and gather in the halt, the lame, and the blind. Now the halt, the lame, and the blind were all very well for a parable, but they were not fit recruits for an Army. He knew that the difficulty in getting strong men was very great; but he preferred to reduce the numbers, and restrict recruiting within the limits of our capacity to get efficient men. Out of 96,000 men at present in the United Kingdom, even if we drew on the men necessary for drafts for India and the Colonies, we could not put 40,000 men on the Continent, Guards included, owing to the large proportion of immature recruits in the ranks. His noble Friend (Lord Elcho) had quoted Dr. Parke, the head of the hospital at Netley, who had stated that a lad was not fit for service in the Army unless he was from 20 to 21 years of age. The best authorities said, that 21 was the age, and Dr. Parke quoted several high authorities in support of that opinion. He (Colonel Mure) had statistics which confirmed that view. We had at present a Committee trying to ascertain how we could prevent recruits from entering the Army while they were too young, and a Commission trying to discover how they could persuade officers to leave the Army before they were too old. The fact was, the officers were growing older and older, the men younger and younger, and the result would be that while the officers would go on creeping into their graves the men would be crawling into their cradles. In short, if things went on as they were now going on, we soon should have an Army of men in their nonage commanded by officers in their dotage. Our Army

could be well compared to a costly engine, which consumed an enormous amount of fuel, but was so badly put together and unskillfully managed that it turned out a ruinously small amount of work. The Army cost upwards of £14,000,000 of money; but it was not only money that they were burning. There was another class of fuel employed, and that was the ruin to the constitution, and the suffering caused to those wretched lads who were sent out to India. He begged the right hon. Gentleman to endeavour to come to some arrangement by which a stop would be put to the system of sending out these wretched lads to India, ruining their constitutions, and then sending them home to the workhouse and the pauper's grave—for it must not be forgotten that now, even when permanently invalided, they received no pension, excepting for the first six months after their discharge from Netley Hospital. A vast proportion of the soldiers they enlisted were perjured boys. He did not blame the lads for misstating their ages on enlisting, for they were forced to do so by the hard necessities of their position; but what was to be said of the calm deliberation with which the military authorities winked at the perjury that was going on? He trusted the right hon. Gentleman the Secretary for War would put his shoulder to the wheel, and see if he could not move us out of our present difficulties. Much of the difficulty arose from misunderstanding the financial position of the Home Government and the Indian Government. Were we safer in India than we were in 1857? We held it with the greatest difficulty then, and were we stronger now? The right hon. Gentleman the other evening stated that the death rate in India was only 13 per 1,000. He was very much surprised to hear it. He believed that in 1873 it was 19·30 per 1,000, and in 1874 it was very much the same, although the Returns of those who had died on the voyage home had not yet been received. But even if the death rate in India were only 13 per 1,000, it should be remembered that the Army of India was not kept on a war footing. They were sending the men to the Hills, and laying them up in lavender. It reminded him of what was said when one officer asked another whether such a man was a good rider. "Oh," said his comrade, "he looks very well

on horseback, but the moment the horse begins to move he tumbles off;" and so the Army in India might look very well, but let them move that Army, and it would fall to pieces. There was an opinion very prevalent in this country that we should not go to war again; but that matter was not within the power of any man or the collective wisdom of any body of men. The Government of this country was practically a Democracy—the people were the masters. It was said that we were not a martial nation; but was it not the fact that we had conquered almost the whole world by men voluntarily carrying arms? At the present moment we had, including the Navy, 500,000 men voluntarily carrying arms. If the conscription were abrogated in Belgium, Germany, and France, those countries would have attenuated battalions of attenuated boys. The temper of this nation could not be relied upon as a guarantee that we should never again be involved in war. The history of the country at the periods of the Crimean War, and subsequently of the war with China also conveyed a warning. Although the present right hon. Member for Birmingham (Mr. John Bright) and the late Mr. Cobden, who had devoted their lives to conferring benefits upon the people, warned them against the folly of rashly flying to arms—the crime and suffering which they were going to undertake—what happened? Why their advice was scouted. The Crimean War took place, and the result was a torrent of tears, oceans of blood, millions of treasure, and a torn-up Treaty. The Chinese War followed. For opposing it the right hon. Gentleman and Mr. Cobden were both turned out by the very constituencies which they had done so much to benefit. Much had been said of the conflicting evidence adduced on the efficiency of our land Forces. The right hon. Gentleman preferred to believe the prophets of good, those who made things pleasant. Let them go on as they were doing now, and sooner or later a time would come when a witness would come into Court whom they would be obliged to listen to and believe. That witness would come un-subpoenaed, unsolicited, and his precognition they would be obliged to respect. That witness would be a noble people misled by their rulers, enervated by prosperity and money-getting, in mourn-

ing and humiliation for some grievous and overwhelming national disaster.

MR. GATHORNE HARDY said, after the long discussion which had taken place, and the great number of figures which had been cited, he should abstain, as far as possible, from going into any arithmetical calculations. The hon. and gallant Colonel who had just sat down had certainly not shown any of that apathy that was said to prevail in the country. If strong language could have any effect, it had not been spared. The hon. and gallant Colonel spoke of the military authorities conniving at perjury; he said they did not take the trouble to ascertain anything connected with the Army; and with regard to himself, he admitted what he said to be true—that when he entered upon his present office he was extremely ignorant on matters connected with the Army; but this he would add, that he had done his best to make himself acquainted with it since. [Colonel MURE said, that he only complained of the system.] The hon. and gallant Colonel complained generally of them all. He said they were so ignorant that they had actually appointed a Committee to get the best information they possibly could; but at least the hon. and gallant Colonel could not say that he had kept back from the House the information which had been collected. If it was to be said they were not to have a Committee or Commission without avowing their entire ignorance on the subject, those whose duty it was to act would be brought into the position of being autocrats in office, and they must dispense with those military men who were placed there to assist them. The hon. and gallant Colonel, when he spoke of those military men, little knew the ability, attention, and care which they brought to bear on this subject. When he (Mr. G. Hardy) formerly spoke upon the Estimates he explained that he desired to proceed cautiously and slowly with respect to Army reform, and to give a fair trial to the scheme introduced by his Predecessor. But he might add that he did regret that when that scheme was instituted more was not done to create a Reserve in the first instance, which might have, so to speak, stopped the gap until the service of the short-service men had been completed. Then with respect to the Militia Reserve he thought his hon. Friend opposite (Mr. Campbell-

Bannerman) hinted that it had been instituted by Lord Cardwell; but that was not the case. [Mr. CAMPBELL-BANNERMAN explained that he had not said so.] He accepted the explanation. But passing from that he might say that even short service was not a new thing. During the Crimean War they enlisted men for two and three years, and on other occasions they enlisted them for 10 years, under the Warrant of General Peel. The hon. and gallant Colonel (Colonel Mure) had stated that when he (Mr. G. Hardy) went down to Aldershot, he did not take care to see many things which he ought to have seen. He had, however, sent word the evening before that he wished to see all the recruits there in their nakedness, to use a familiar expression, and not combined with men who had served a long time, whereby a better appearance might have been presented. Indeed, it was only for the purpose of seeing our recruits that he had gone down on that occasion. No doubt he should have derived much benefit had he visited the hospital. As for the recruits, all he could say was that he had consulted the medical men in respect to them, and especially in respect to their age. The hon. and gallant Colonel complained that they got many recruits of 18 who said they were 20 years of age; but he would remind the hon. and gallant Colonel that that fault did not lie with him. Not only did those young men pass the recruiting sergeant, but they were certified to by the medical men as being, in their opinion, of the proper age, and when they were deceived what remedy could they have? It was idle, therefore, for the hon. and gallant Colonel to tell them that they were conniving at perjury when they were simply acting upon the authority of the medical men and the authority of the recruiting sergeants, who had the best means of ascertaining the real facts of the case. Then the hon. Member for Finsbury (Mr. W. M. Torrens) called upon him to pledge himself to do something which it was utterly impossible for him to do, and for this reason—that they had no means of deciding whether those young men really were the exact age which they represented themselves to be. All he could say with respect to that part of the subject was that the men they sent to India were supposed to be the proper age,

or trained and physically fit for the service. He had had a great many questions put to him that night; but they were, for the most part, of a very conflicting and contradictory character. His hon. and gallant Friend the Member for Westminster (Sir Charles Russell) had asked him what was the condition of the Brigade Depots when he came into office? Well, it was this. There was nothing practically done except the appointment of colonels, and he was not yet, therefore, in the position to give a competent answer as to what would be the real value or effect of that system. It had not yet had a fair trial, and that was what he was anxious it should receive before he pronounced any opinion. He had received many hints upon that subject during the course of that debate; but the opinions had been so conflicting that the House would agree with him it was not very easy to decide off-hand on it. The hon. Member for Canterbury (Mr. Butler-Johnstone), again, proposed that they should keep down the existing Army and substitute for it an embodied Militia. That was an entirely different system from any other that had been suggested. His hon. and gallant Friend the Member for Westminster, for his part, had made a great many suggestions. He had said that the Government should provide civil employment for the men who had served in the Army, and that such system had not been fully tried in the Post Office. But he (Mr. G. Hardy) had consulted the Postmaster General on the subject, and the noble Lord (Lord John Manners) had informed him that the system had been efficiently tried in that Department of the public service, and that a more complete failure could not possibly be conceived. He would, however, admit that it was a very important and desirable thing that they should, as far as possible, give employment in the Civil Service to men who had served in the Army; and he could only promise for himself to do all he could to help forward that object. His hon. and gallant Friend had also referred to the corps of Commissionaires which had been formed under the auspices of Captain Walter; but it should be borne in mind that they had been organized at a time when the system of long service prevailed, and when the conditions were totally different from those which at present existed. With

respect to desertion, he might say he had looked back into the subject and found that desertion had prevailed to an enormous extent in former years, and was not a peculiarity of the present time. There was certain always to be desertion when inducements were held out, as they necessarily were, for the men to obtain money by re-enlistment, or by disposing of their kits. But his hon. and gallant Friend the Member for Westminster said, they should have long service combined with short. No doubt a great deal might be said in favour of that proposal; but it would require further consideration before being adopted. His hon. and gallant Friend further contended that the Militia should be officered from the Army. That system he (Mr. G. Hardy) admitted, would be of very great value. Indeed, it was not a new idea to him, and very few people would deny that if they were to have a real Reserve they must have it commanded by efficient officers. Another question to which attention had been called was the expediency of giving some advantages, in addition to those which they at present enjoyed, to non-commissioned officers. Well, upon that point all he need say was that he hoped before the close of the Session to bring forward a scheme that would prove advantageous to that meritorious body of men. He need not go into the question of disciplinary battalions—the question of making all men who deserted and were bad characters serve in one regiment, which should be stationed abroad. Those who deserted, it ought to be remembered, were of very different classes. Some ran away from bad motives, others went on what they called a “spreed,” and not a few who left their regiments were by no means men of absolutely bad characters. That was a point that required very careful consideration. But on the first blush of it he did not think this country was prepared to see regiments composed entirely of bad characters. The hon. and gallant Member for South Durham (Major Beaumont) had urged increased pay; but, on the other hand, the hon. Member for Canterbury (Mr. Butler-Johnstone) objected to any further increase of the Estimates; and he (Mr. G. Hardy) thought the House would agree with him, that it could not be done without the latter. Passing to another point, he might say that he did not think the

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Army would benefit by stopping recruiting for the Militia, because a totally different class went into the Militia from that which went into the Army. He had heard of a collier, for instance, who enlisted in the Militia in order to get a month's fresh air above ground and not be allowed to get drunk. For his own part, he had never professed to be an optimist with respect to the Army, and while there were, he believed, 30 per cent of our Infantry recruits which were not entirely satisfactory, there were 70 per cent, of which the opposite might fairly be said. He could not, however, concur in the opinion that none of the 30 per cent would ever become good. It had been stated by several hon. Members that evening that no man was fit to enter the Army until he was 20; but he would venture to say that, whether in agricultural or factory work, men were found to be very efficient under that age. It had been said by the noble Lord (Lord Elcho) that we were getting worse and worse, and that the Army was composed of more children every year; but, no doubt, young men at 18 or 19 years of age, and with good drilling, would turn out efficient soldiers. In 1873, there were in the Army 28,263 under 20 years of age, while in 1874 they had fallen to 19,764. Up to 35, there was a larger number in 1874 than in 1873. A great deal had been said about chest measurement. He had not had much knowledge connected with it; but he was assured that the chest measurement as at present conducted was a fair measurement. It was 34½ inches for the Infantry, and that was said to be adequate to make an efficient soldier. He should not like the House to suppose that the Army was getting only the dregs of the population. Colonel Hammersley, Inspector of the Gymnasia, in his Report on the Infantry Recruits, said, in comparing them with the young cadets of the Royal Military Academy, and the young officers at the Royal Military College, that the average chest measurement showed that the recruits under the present system of recruiting were physically superior to the young men in a higher grade, and that all of them when they reached the age of 20 or 21 ought to be fit for any exertion that might be required of them. It struck him as very singular that those young men at the military academies

who had been better fed, and had had everything necessary to make them physically strong, should not have a better chest measurement than the recruits now enlisting. It was said that we ought to look at the police force. That stood on a very different footing from the Army. The police were allowed to marry, they settled down in houses in the neighbourhood, and their duties did not require those quick and rapid movements demanded in the Army. Some of them had, no doubt, been in the Army when young; but they had now settled down to a very solid and heavy body that would hardly be appropriate to Light Infantry regiments. He would admit that it would be desirable if they could get the same class of men, and men of the same stamina for the Army. From inquiries he had made with regard to men of 20 years of age belonging to better classes, he did not see that they could, by additional pay or any other means, secure them for the Army, owing to the great pressure in this country for workmen. By the time a young man was 20 years of age he had usually settled down, if in the manufacturing districts, to some kind of work which suited him. Sometimes he received high wages. They were able to move about and find better employment than they thought they could find in the Army. It was proved by the great number of persons who bought their discharge that they must belong to classes who could raise some money, because it cost £30 to purchase a discharge, and their doing so, so soon after their entering the Army, showed that they came of a class who, when in the Army, did not altogether like it. He had heard a great deal said about the bad character of the Army. He had reason to suppose that certain regiments recruited from certain places had a great number of bad characters in them; but circumstances showed that if the men were treated well, they were not insensible to the sentiments of rectitude and good feeling. He had heard of a man of education who had taken his degree at college, who, having a great taste for the Army, had enlisted and taken his place in the barrack-room as a common soldier, and had associated with the other men. This gentleman was of exemplary character, with plenty of means, yet lived like the soldiers, and the men had respected him to that degree, that

after a short time there was no bad language or swearing heard in his room from admiration of the man who had come so unexpectedly among them. That was a trait in their character that deserved to be mentioned, and he thought that some of the harsh epithets applied to them should be modified. His noble Friend (Lord Elcho) had referred to what took place at the United Service Institution, where there was a long discussion on recruiting, and that opinions expressed by him in the form of questions received general assent. He thought that they might naturally suppose that those who took part in the discussion at the United Service Institution were interested in theories of their own; and though he did not say they were not representative men, they were not such representative men as would be met with if they took the Army promiscuously. His noble Friend was not able to test his opinion then by a resolution because it was forbidden, and he was only able to draw forth applause by those well-turned sentences which he was so qualified to employ. He was not sure that he had followed his noble Friend as to the mode in which he would deal with the Army. He had some difficulty in ascertaining what it was his noble Friend wished in respect of the Army. He was in favour of a ballot for the Militia, and he proposed that to enter the Volunteers should exempt from the Militia. That raised large and difficult questions. In the beginning of this century repeated attempts were made in that direction, but it did not succeed as was expected; but the Volunteers became a large body, and as they were much more drilled than now, and were brought out in regiments and trained as such, they were naturally able to exercise greater influence in war time than the Volunteers of the present day. He regretted his noble Friend, in the course of his speech, did not say one good word for that Force, the organization of which, he had done so much to promote—the Volunteers. Although not in a position to be placed in battalions at the beginning of the war, he could not but think there were many stalwart men among them, and that in an emergency they would give an account of themselves against any enemy who endeavoured to invade the country. With regard to defensive armaments, it was often

stated, and might be said to be admitted, that we had an equivalent for 200,000 men in the strong fleet we could place between us and the Continent. In respect to the Continent, it was necessary that armies should be able to move at a moment's notice; but that was not the case with us; and, therefore, so far as defensive warfare was concerned, we stood on a totally different footing from any other European Power. It must not be forgotten they had not failed in the wars in which they had been engaged, and though they had met with great disasters, they had managed to come out of them creditably in the end. The hon. and gallant Gentleman opposite (Colonel Mure) had said that he (Mr. G. Hardy) ought to have read the story of the Crimea and the Report of the Crimean Committee. He had done so at the time, and had read a good deal on the subject since; but he could not help reminding the hon. and gallant Gentleman that although it might be perfectly true that at this moment we could not embody home battalions like those which fought at the Alma, because at that time we had old soldiers, yet that if we provided a Reserve of a seasoned character, the home battalions might readily be brought into an efficient state in time of action. It had been said that we ought to have in the front rank a certain number of regiments brought up to the highest standard, and he admitted that the subject was one requiring the gravest consideration. Considering our position with respect to guarantees, it was a matter of some importance that we should be able at any time to send forth as large an Army as we had done in former years, and, if possible, on conditions which would enable us to keep it up by a system which would ensure not boys, but men of some service in the Army besides. The system, which the noble Lord complained was not kept up as before the Crimean War, was a few years ago deliberately abandoned, at the cost of a large expenditure, which was still going on, with the view that there should be a Reserve at length of 80,000 men. It might be necessary to take steps to obtain an efficient Army Reserve sooner than through short service by means of the Militia Reserve. That was not an untried Force, and although it was not brought up to the perfection that the Army was

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by constant drill and manœuvres, some of those regiments commanded by his hon. Friends in that House would present a very fair front by the side of Regular troops. It must not be forgotten that some of the Militia regiments which were sent abroad at the time of the Crimean War were spoken of in terms which might almost be applicable to regiments of the Line of the highest character. He was very reluctant to go much further into this case; because he must ask the House to extend to him that length of time which he thought necessary to consider those things carefully. Of course, his noble Friend proposed his Resolution in the kindest possible way; but he could not help saying that if agreed to, it would convey the opinion of the House that he had not been proceeding with sufficient speed. His object was to investigate all the facts and circumstances carefully, and not to throw discredit hastily even upon the things that he might not eventually approve of, so that when he made a statement to the House it would be one that would carry conviction with it. With respect to the troops, he was bound to admit that a great deal remained to be done. A large amount of organization and preparation was needed, and the military authorities were bound to see that the Reserves were forthcoming, and that they should be found in readiness when their services were required. Further, he would say that the time would come when it would be necessary to allot to every man in the Reserve the place in which he should appear when he was wanted, and when it would be necessary to organize in such a way that it would be known where every Army Corps was to be found. In spite of the remark that many of our officers were decrepit, he entertained no doubt that there were many young officers who were perfectly well able to lead men into action; and one who had lately distinguished himself—Sir Garnet Wolseley—remarked on a recent occasion that he would rather lead young men than old men into action. He merely mentioned this, however, to show that there was a conflict of opinion on the subject. The hon. Member for the Stirling Burghs (Mr. Campbell-Bannerman), had referred to the education of the Army, and it was remarkable how steady an

increase had been going on in the education of the Army. It was shown that in some of the regiments which had the best recruits the men were both physically superior and better educated; and when we were getting men of that sort, though the improvement did not go so far as could be desired, it would scarcely be wise to throw too much discredit on our Army. It was our only Army, and we had to make the best of it. As regarded the defence of the country, it must be remembered that they were in other respects better provided. There were fortifications on the Thames and other rivers that did not exist before; larger stores than before, and in place of 40 guns, in 1846, they had now 336. And, although his noble Friend was justified in saying that the Infantry was the foundation of the Army, still he ignored the Artillery rather too much. For his own part, he would remark that no Artillery in the world, on a peace footing, was better horsed than the Artillery of this country. He would not detain the House any longer. He deeply felt the responsibility which rested upon him and was grateful to the House for the kind manner in which they had received his Estimates. He trusted the noble Lord, contenting himself with the discussion he had raised and with the opportunity he had had of bringing many valuable suggestions before their notice, would not press his Motion to a division, or endeavour to force his (Mr. G. Hardy's) hand by asking him to make premature declarations which might tend to embarrass his action and eventually discredit his administration.

THE MARQUESS OF HARTINGTON expressed his sense of the candour and fairness of the statement which they had just heard from the right hon. Gentlemen. He was sure the House would not grudge the right hon. Gentleman any time which he thought it necessary to ask, in order that he might make himself thoroughly acquainted with this important and difficult question. The right hon. Gentleman had now the benefit of more than one year to give his attention to the subject; and it was impossible he could have come to the conclusion that there was anything radically wrong in the arrangements proposed by his Predecessor, Lord Cardwell, and be able at the same time to make the statement to

which the House had just listened. There was one observation of the Secretary of State for War in which he could not concur. The right hon. Gentleman had expressed regret that when the present system was introduced by Lord Cardwell, some steps were not taken to create immediately a larger and more efficient Reserve. It was difficult to see how that could have been done otherwise than by the mode proposed by Lord Cardwell, of passing a certain number of men through the ranks. For the immediate creation of a larger Reserve the right hon. Gentleman had had exactly the same means at his disposal as his Predecessor had, and yet had not thought it necessary to ask the House to sanction any further proposal in that direction. With regard to the speech of the noble Lord (Lord Elcho), to whom they were indebted for the interesting discussion which had taken place, he was sorry to have heard in it some observations which did not seem consistent with the exhortation at the conclusion to look upon this question without any Party feeling. If the noble Lord himself viewed it without Party feeling, it was difficult to understand why he had introduced into the debate his favourite subject of the abolition of Purchase, which had nothing to do with the question. The noble Lord, moreover, had scarcely redeemed the pledge with which he set out—that he was not going to deal in figures of speech, but only in figures of arithmetic. He had dealt in a somewhat free manner with a document which had that day been laid on the Table of the House, and had given to it a meaning which was scarcely justified. But, without going into details, even if the state of things was as bad as the noble Lord wished them to believe, it could not be contended that it was the fair and true outcome of the system established by Lord Cardwell. It was nothing but the remains of the old system, the evils of which Lord Cardwell had fully acknowledged. If the old system had continued, there was no reason to suppose that the average age of the recruits and of the soldiers would have been a day greater than at present; and, as pointed out by the hon. Member for the Stirling Burghs (Mr. Campbell-Bannerman), the short-service system had not yet come into operation, so that the existing evils could not be attributed

to it. Nothing should induce them to abandon the plan they had so deliberately adopted except proof of its total failure. He preferred the testimony of official and responsible persons, such as the Inspector General of Recruiting, whose Report could not, on the whole, be deemed unsatisfactory, to the somewhat vague and wild assertions made either in newspapers or in that House. The question could not be disposed of by declamation about sending "wretched boys" to India, when they were told that those "wretched boys" were found satisfactory by commanding officers, and that the rate of mortality amongst the troops was decreasing. It appeared that the number of recruits they were obtaining was sufficient, that crime in the Army was less than it ever was before, and that good-service rewards were increasing. All that indicated a state of things which ought to make them hesitate to undo everything that had been done during the last few years and begin entirely *de novo*. He did not clearly understand what the noble Lord (Lord Elcho) proposed that the Secretary for War should do, unless it was to put an end to the present system and resort to a compulsory one. [Lord Elcho said, he wished to see the existing law enforced.] But the noble Lord had not shown how that would facilitate enlistment, or increase the number of recruits. No doubt, there was a good deal in the state of the Army that might be improved. No doubt, the pay they gave attracted a considerable portion of the unskilled labour of the country, and a much higher rate of pay would probably attract a superior class of men. To him it was a matter of more astonishment that so many good recruits were obtained rather than that they obtained so few. For although everybody was willing to compliment the profession of arms when they spoke of it as a body, yet, almost all who undertook to give advice to their countrymen, while acknowledging that in the abstract the Army was a glorious profession, yet told any young man who thought of enlisting in it that it would be a disgrace rather than a credit to him to do so. As long as that was the case, it was not very surprising that there should be a difficulty in getting the very best class of recruits. It might sound something like a paradox; but he thought the best way in which they could

improve the quality and probably also add to the number of their recruits would be by adopting stringent regulations as to the character of the men they selected. There were reasons known to everybody who was familiar with barrack-rooms which made them not the most desirable places into which a highly respectable young man could enter. He could understand the authorities of the War Office should be unwilling to throw away any chance of enlisting men who might be useful at present; but when a good Reserve had been established, he believed that they would have greater facilities for choosing the recruits whom they would take, and that then—without resorting to anything like conscription—it might be possible to obtain an adequate number of recruits, and also to exercise a considerable selection as to their quality.

LORD ELCHO, in reply, said, he had not treated the question as a Party one, though he felt bound to allude to the abolition of the Purchase system which had cost the country a large sum of money without any apparent benefit. He rejoiced that his right hon. Friend had given up the name of the Control department; and, although he felt some disappointment at the tone he had adopted, yet it was a necessary result of Parliamentary government. It was complained that he made no proposal. It was for the paid servants of the State, who were responsible for the safety of the nation and its honour, to decide and make proposals. His part was done when he had shown from official figures the lax state of the Army. He wished to ask the noble Lord opposite and his right hon. Friend the Under Secretary of State for War, whether they considered when Russia fixed the age at 21 for its soldiers, Prussia at 20 years complete, and France at 21 years, they would be justified in regarding as effectives the youths in the Army under 20 years? If they rested on that foundation those who were in office took on themselves grave responsibility. He regretted that his right hon. Friend did not shadow forth that he would do something to put the Army on a sounder footing than it was now.

Motion, by leave, *withdrawn*.

BANKS OF ISSUE.

CONSTITUTION OF THE SELECT COMMITTEE.

MR. M'LAREN moved that the Select Committee do consist of 23 Members. He maintained that the Scotch banks had a close monopoly, and a monopoly which was getting closer, in proof of which he stated that while their business had been doubled within the last 30 years, their number, which in 1841 was 30, had been reduced in 1843 to 23, and at the present time was only 11, the other 19 having been absorbed in these. He thought that Scotch bankers were well enough represented; but he wanted some representation for the public outside banks. He accordingly proposed that the Select Committee do consist of 23 Members, and that Sir Windham Anstruther and Mr. James Barclay be added to the Committee.

Motion made, and Question proposed, "That the Select Committee on Banks of Issue do consist of Twenty-three Members."—(*Mr. M'Laren*.)

SIR GRAHAM MONTGOMERY, by way of replying to the remarks of the hon. Member for Edinburgh, said, the Scotch banks were always found willing to accommodate any man who could give adequate security. It was for the hon. Member to show that they did not do so, and he could bring evidence to that effect before the Committee.

MR. ANDERSON said, the question was whether the Scotch public were to be represented? The Chancellor of the Exchequer had increased the number of the Committee from 17 to 21; but the four Members he added were English Members, and thus the balance was turned against Scotland.

THE CHANCELLOR OF THE EXCHEQUER remarked that the question of the number of the Committee had been discussed fully before, when he had shown the inconvenience that would result from making it any larger. Besides if this application were granted, there would probably be requests for the representation of other districts—say, the Northern Counties of England or Ireland. He thought the suggestion a good one which was made by the hon. Baronet (Sir Graham Montgomery)—namely, that the hon. Member for Edinburgh should prepare any

evidence he thought desirable and bring it before the Committee.

Mr. FRASER-MACKINTOSH said, he hoped the Chancellor of the Exchequer would not agree to the Motion of the hon. Member for Edinburgh. The remarks of the hon. Member were quite uncalled for, and ill-timed. The Committee ought never to have been appointed; but if appointed, its numbers should have been smaller; and to place two additional Members, merely because they were Scotchmen, was unreasonable. The hon. Member for Edinburgh (Mr. M'Laren) had referred to what he termed the trades-unionism and monopoly of the Scottish banks, and that the interests of the public consequently suffered. He (Mr. Fraser-Mackintosh) denied that assertion, and said, that from an experience as a bank director extending to nearly 20 years, he had never known of banks declining to give credit where that could be reasonably expected; but he had heard of people becoming bankrupt complaining that banking facilities had contributed to their ruin. The Committee having now been fixed for good or for ill, he thought they had heard the last of it in that House until its Report came to be presented. The hon. Member seemed to fear that the interests of the Scottish people would not be looked after, because its four Scottish Members were connected with, or were presumed to be favourably disposed to, the banks; but the hon. Member might keep his mind easy on that score, for with the feeling shown by the English bankers, some of whom were on the Committee, those English bankers would take very good care that any defects or shortcomings on the part of the Scottish banks would be prominently brought out. For these and other reasons, which the lateness of the hour forbade him from entering upon, he opposed the Motion of the hon. Member for Edinburgh.

Mr. M'LAREN disclaimed having any feeling in the matter, and said he only wished to express to the House his belief that there was a deep feeling in Scotland in regard to this monopoly, and his feeling that the outside public should be represented. He would never think of going before the Committee and giving evidence. He had no hobby to ride, and simply moved in this matter, because he was in favour of free trade, and opposed to monopoly.

The Chancellor of the Exchequer

Question put.

The House divided:—Ayes 48; Noes 119: Majority 71.

THE TICHBORNE PROSECUTION— MOTION FOR RETURNS OF PROCEEDINGS AND EXPENDITURE.

Mr. WHALLEY moved—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House a Copy of the Reports taken in shorthand of the proceedings before the Court of Queen's Bench in the several cases of Contempt of Court tried and adjudicated in that Court in relation to the Tichborne Trial; account of the expenditure occurred in relation to the said trial up to the present date, specifying the amount paid to the witnesses who were examined and also to witnesses who, although subpoenaed, were not examined, and stating, as in other cases of Crown prosecutions, the sum paid to each of such witnesses; and Copy of Affidavits sent to the Secretary of State for the Home Department in relation to the said trial, and especially as to certain statements and conduct of the foreman and other members of the jury."

The hon. Gentleman said, it was most desirable, in the interests of the motion to be made on Friday, and with a view that the public agitation on the question should cease, that these Papers should be produced. The hon. Gentleman who supported him in the matter (Dr. Kenealy) had unfortunately disappeared; but he hoped some other hon. Gentleman would second him. If the Papers were produced they would show that nothing more scandalous had ever occurred in a Court, and it was most desirable that the House should have them for reference, and to satisfy themselves as to the nature of the trial. With regard to the costs, they had not been informed how the £55,000 returned as the costs of the brief had been spent, and he had, as far as he could, insisted upon having them before the House. It was the more necessary that they should be produced, as many witnesses brought over to prove that the Claimant was not Tichborne had declared that he was, and had been paid large sums of money in order that they might not prejudice the case for the prosecution. The last Papers were the most important of all, because there had been a great deal of perjury in the case, and the foreman of the jury had stated that he had given his verdict on the faith of letters purporting to be written by the sisters of Arthur Orton, and addressing

the defendant as "dear brother," which they had since declared on oath that they never wrote.

Mr. WADDY seconded the Motion.

Mr. W. H. SMITH said, he should not enter into a discussion of the merits of the case. Speaking on the part of the Treasury he had no knowledge of any shorthand minutes of the case. Such Papers as were in the solicitor's office to the Treasury were open to his inspection. With regard to the cost the fullest information should be given of the cost to this time; but he had not the means, nor would it be desirable, to give information as to the sums paid to the several witnesses. That was an unusual course, which had only once been pursued, in the case of the Welsh fasting girl.

Mr. ASSHETON CROSS said, he must decline to give the Papers included under the last head of the Return, which had always been treated as private and confidential. But the hon. Gentleman could get letters from the parties who made those communications, and they might be read, which would have the same effect.

Mr. WHALLEY said, he should not press the Motion; but he did not think that, for the sake of fair play, the documents should be withheld.

Question put, and *negatived*.

CLERKENWELL HOUSE OF DETENTION.

ADDRESS FOR COPY OF RULE 75.

SIR WILLIAM FRASER rose to move an Address for—

"Copy of Rule 75 of the Clerkenwell House of Detention previous to amendment, and subsequent to amendment after May Quarter Sessions of 1873 of the Magistrates of Middlesex, whereby the compulsory labour of persons remanded or waiting for bail was abolished."

The hon. Baronet said, that the Rule 75, abolishing labour of unconvicted persons, those waiting for bail, or on remand, in the House of Detention, Clerkenwell, having never been carried out, it was supposed that the new rule had been cancelled by the Home Office. He had ascertained that it had never been forwarded to the Secretary of State. It was the duty of the Clerk of the Peace to carry out the decisions of the Quarter Sessions in the necessary and legal manner. The scrubbing of the floor of their cells by persons whose bail was not at once forthcoming, and those re-

manded for a week by a magistrate, still went on at Clerkenwell House of Detention, although the fact was little known; the public believing that the new Rule had been carried out according to the decision of the magistrates on May 29, 1873. He would ask the Under Secretary of State for the Home Department, Whether the said amended Rule was forwarded to the Home Office by the Clerk of the Peace for Middlesex for approval in due course or not?

SIR HENRY SELWIN-IBBETSON, in reply, said, that the Rule had not been sent to the Home Office, but that that Department would have no objection to the proposed change.

Motion agreed to.

Address for "Copy of Rule 75 of the Clerkenwell House of Detention previous to amendment, and subsequent to amendment after May Quarter Sessions of 1873 of the Magistrates of Middlesex, whereby the compulsory labour of persons remanded or waiting for bail was abolished."—(*Sir William Fraser.*)

INTESTATES WIDOWS AND CHILDREN ACT EXTENSION BILL.

On Motion of Mr. EARP, Bill to extend to the surviving Children of Poor Widows the benefits of the Act thirty-sixth and thirty-seventh Victoria, chapter fifty-two, intituled, "An Act for the relief of Widows and Children of Intestates where the personal estate is of small value," ordered to be brought in by Mr. EARP, Mr. COWEN, and Mr. ERRINGTON.

Bill presented, and read the first time. [Bill 132.]

House adjourned at Two o'clock.

HOUSE OF COMMONS,

Wednesday, 21st April, 1875.

MINUTES.]—PUBLIC BILLS—Ordered—News-papers Registration*.

Ordered—First Reading—Imprisonment for Debt (No. 2)* [134].

Second Reading—Burials [11], put off; Local Government Board's Provisional Order Confirmation (No. 2)* [127].

Committee—Report—International Copyright* [56].

Third Reading—Bankruptcy (Scotland) Law Amendment* [108], and passed.

BURIALS BILL—[BILL 11.]

(*Mr. Osborne Morgan, Mr. Shaw-Lefevre, Mr. M^r Arthur, Mr. Richard.*)

SECOND READING.

Order for Second Reading read.

MR. OSBORNE MORGAN : Mr. Speaker, I rise to invite the attention of the House to a measure which passed its second reading during the last Parliament on four different occasions by very decisive majorities, but which I fear is not likely to fare so well in the House I am now addressing. But however that may be, however foregone may be the conclusion against which I have to struggle, it will nevertheless be my duty to state as briefly as I can, the grounds on which I ask the House to give a favourable consideration to this Bill, whilst I ask at the same time that indulgence which the majority of this House rarely refuse to the advocate of a losing cause. And, Sir, I am the more desirous of making these statements, because I cannot help feeling that, notwithstanding all the discussion and debates on this question, considerable misapprehension exists in the public mind as to the nature and scope of the Bill. Only the other day I heard it described as a Bill to confer on Nonconformists the right of burial in parish churchyards. And yet it will be obvious to everyone who reads the Bill that it confers no right at all to bury in the parish churchyard, and that for the best of reasons—namely, that the parishioners possess that right to the fullest extent already. As I have more than once stated in this House, the right of interment in the parish churchyard is a civil, and not an ecclesiastical right. In other words, it is the right of the parishioner, and not the right of the Churchman. Although the fee-simple of the parish churchyard is vested in the incumbent, that incumbent can no more exclude the Nonconformist parishioner from being interred in the churchyard than he can prevent a parishioner on the same grounds from taking part in any discussion in the parish vestry, or, in a proper case, from receiving parish relief. That right is laid down, and has been confirmed in the Courts of Law. It is laid down in all the text-books, and is recognized in several Acts of Parliament; and so well-known is it as a point of law, that I do

not know that it has ever been disputed here. In fact, the most effective arguments against the Bill have assumed rather than denied the proposition. Some time ago the hon. Member for North Northamptonshire (Mr. Stopford-Sackville) argued with some force against the Bill. He admitted that the parish churchyard belonged to the parish; but then he added that the churchyard belonged to the parish in the same sense as the church—that is to say, everyone using both must conform to the rites and ceremonies of the Church of England. He put it in this way—the parishioner has the right of using the church for the purpose of getting married; but if he uses it for marriage, it must be according to the rites of the same Church of England; so, if he uses it for the purpose of burial, it must be according to the rites of the same Church. Therefore, if this year you throw open the parish churchyard to the ministrations of Dissenting ministers, you must next year throw open the church to the same ministrations. But before you press that argument further, let me call attention to one essential difference between the two cases. The use of the church is optional, the use of the churchyard is not optional. Take the case put by the hon. Gentleman. If a Nonconformist desires to get married, he has merely to step into the next chapel, and there he can be married with any ceremony he pleases. Or if he objects to any religious ceremony, he can step into the Registrar's office, and there can be married in each case as effectually as if the ceremony had been performed in Westminster Abbey. Now, there were, in 1873, 531 public cemeteries in England in which the Legislature has required that a certain part shall be set apart for Nonconformists. Of course, Nonconformists dying in parishes provided with these cemeteries can be buried with any ceremony they please, and to that extent the two cases put by the hon. Member are analogous. But to those parishes the Bill has no application whatever. But I gather from a Return of the hon. Member for West Surrey (Mr. Cubitt), that there are now in England and Wales between 12,000 and 13,000 parishes, containing among them several millions of inhabitants, in which parishes the churchyard is the only place of interment. Any

Dissenter dying in one of these parishes, unless he happens to be possessed of a private burying ground of his own, must almost as a matter of necessity be buried with the ceremonies of the Church, which, however beautiful they may seem to us, however beautiful they may be in the abstract, may be, to say the least of it, distasteful to the surviving friends who are assembled around his grave. If, on the other hand, the deceased person happens never to have been baptized, whether from neglect or conscientious scruples on the part of parents, the law requires that he should be buried without any religious ceremony whatever. Now I have previously called attention to the fact that baptism administered by any person, even by a woman, has been held as efficacious as baptism by a clergyman of the Church of England. But if a man dies without being baptized, then his body must be committed to the earth without any ceremony whatever—or to use a phrase very common in my country, more forcible than elegant—it must be buried like a dog. The hon. Member for West Kent (Mr. J. G. Talbot) has actually suggested in a Bill not now before the House this mode of interment as a solution of the whole difficulty. Of course, I cannot deal with the hon. Member's Bill, as it is not before us; but I may perhaps, in passing, be allowed to express my amazement that any three Members of this House should exhibit—I will not say so little knowledge of the feelings of Dissenters—but so little knowledge of human nature as to suppose this canine mode of interment can be accepted as a solution of the difficulty. Sometimes, the case is further aggravated by the refusal of the clergyman to accept what is called Dissenting baptism. A case of this kind occurred lately, and I was glad to hear the Home Secretary say the other night, not only that the refusal was contrary to law, but contrary also to all our ideas of humanity and Christianity. But why the interment of a baptized adult in that contumelious way should be more contrary to our notions of humanity than the burial of an unbaptized child, is what for the life of me I cannot understand. Now, does that state of the law constitute a grievance, or does it not? Sir, I cannot help thinking that if we could get rid of the unfortunate atmosphere

of prejudice through which many of us are in the habit of looking at this question, we should have but little difficulty in answering that question. The desire that exists everywhere, that a relative or friend should be committed to the earth with some religious ceremony, and that that ceremony should be not only in accordance with the feelings entertained by the dead man himself, but in accordance with those held by the surviving relatives and friends—is one so natural, so legitimate, so human, that I cannot conceive anyone endowed with the “ordinary feelings of humanity and Christianity” who would not desire to give effect to it. I remember the time when the burial laws of Continental countries were as illiberal as the laws of England now. I remember well the feeling of indignation among the friends of any unfortunate man who happened to die abroad, and was required to be buried as our law requires the unbaptized Dissenter to be buried, and as the Bill of the hon. Member for West Kent would permit all Dissenters to be buried. Do not say that this is merely a sentimental grievance: we all know how severely sentimental grievances press upon men, especially if they are felt at a time when even the most callous of natures are the most accessible to the influence of sentiment. But if this be a grievance—and I think every person in or out of the House will admit it is in the nature of a grievance—then I ask you what do you gain by perpetuating it? That is a question rather difficult to answer. I hope I shall get an answer in the course of this debate. Let me put a case which may happen and which I know has happened. Take the case of a man who through life has lived in open hostility to the Church of England, a man who may never have darkened the door of any church. You cannot compel him to come there while he lives; but the moment the man is dead, the moment the breath is out of his body the law enables you to lay hands upon that man and impose on his remains ministrations from which the man, if alive, might have recoiled. Now is this barren, I had almost said, this odious privilege worth all the ill-feeling and bad blood which the constant and persistent recurrence of this question must generate. Because—and do not let any hon. Member deceive him-

self—it is impossible that this question can be settled in any way but one. It is easy for hon. Gentlemen in this House and writers of newspaper articles to pooh-pooh this question, and say that nobody requires any alteration of the law. I know it is otherwise. I know the feeling in favour of this Bill is so deep and so widely spread, that the country will never rest until the law is altered. Therefore, I ask you again, is this question to be permitted to raise that ill-feeling and bad blood which is year after year extending? I do not wonder that hon. Gentlemen opposite should shrink from answering that question. I do not wonder that they should rather take refuge in the argument that the change which I propose will lead to scandal and abuse. Reverting to that question, I do not think I ought to delay any longer a statement of the changes I have made in the Bill since it was first introduced in 1870. It will be in the recollection of those hon. Gentlemen who had seats in the last Parliament that five years ago—that in the year 1870—I introduced a Bill to amend the Burial Laws, which was almost, with the exception of one or two formal clauses, identical with the one I now hold in my hand. Strange as it may now seem, the opposition to that Bill was very feeble. It was opposed, among others, by my right hon. Friend the Home Secretary, in a speech marked by fairness and moderation. My right hon. Friend the Secretary of State for War, than whom no more fearless or honest man sits in this House, said that although he felt bound to say “no” to the second reading, he should say “no” in a very faint voice indeed. In fact, the objections raised were objections to detail rather than objections to principle, and it was to meet these objections that the then Home Secretary, now Lord Aberdare, carried the Motion for the Bill to be referred to a Select Committee. The Bill was referred to a Select Committee, and I think almost every safeguard that human ingenuity could suggest was introduced into that Bill. But I soon found that not one of these Amendments conciliated a single vote in this House. On the contrary, the Amendments introduced into the Bill in Committee, far from smoothing our path, rather threw difficulties in our way; because everyone of these so-called safeguards served as a sort of peg on

which hon. Members wanted to hang other safeguards, and the trouble and the difficulty, in fact I may say the impossibility, of forcing the Bill through Committee was in great measure due to the concessions which I had made. In fact, one side of the House thought the Amendments unnecessary, and the other side thought them useless. Now, believing as I do that every word in an Act of Parliament which is not necessary is mischievous, I have taken it upon myself to strike out all these so-called safeguards, and to bring the Bill back again to the lines of the Bill of 1870; and if you ask me for precautions and safeguards, I say I prefer trusting to the good sense and good feeling of the Nonconformists of England, who are not likely to select the grave of a friend as the place from which to hurl a polemical Philippic at the head of a theological opponent. But we are not without the light of some experience to guide us, because in the year 1868—now nearly seven years ago—a Bill was introduced and carried by the then Member for Limerick (Mr. Monsell), affecting Ireland only, and which applied to Ireland almost exactly the same state of the law which by this Bill I seek to apply to England, the only difference being that in Mr. Monsell’s Bill the funeral service was required to be performed by a priest or minister of some denomination. Well, now, I called upon you before, and I call upon you now; to point out if you can, a single instance in which that privilege has been abused in Ireland. And surely it is a poor compliment to your own country to say that Englishmen are not fit to be trusted with a privilege which Irishmen have for seven years exercised without a word of complaint from anybody. If you think otherwise, it is of course open to you to make the Bill more stringent in this respect. You have the command of this question in your hands. My hon. and learned Friend has a most docile majority behind him. Let him, or let the Government, pass this Bill, and then let them introduce into the Bill in Committee every precaution or safeguard they may consider necessary. I am sure they will not meet with any opposition from this side of the House. Meantime, do let us be honest. Oppose this Bill, if you like, on the ground of principle; object, if you please, to the principle of the

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Bill; but do not let us hear any more of that nonsense about Shakers, Jumpers, and Socialists, which nobody believes, and which will not influence any single man inside or outside of this House. And if you talk about scandals and abuses, I ask you are there no scandals and abuses arising out of the present law? I believe hon. Members have had sent to them this morning 14 illustrations of cases which occurred within last year, showing the necessity for amendment of the burial law. I am not going to refer to them, and I will tell you the reason why. In the first place, it is an ungrateful and ungracious task to attack in this House people who are not present to defend themselves. In the next place, it is almost impossible to test the accuracy of newspaper reports of these cases. I recollect an instance of this kind in 1873 in the case of the Vicar of Leigh, in which I was guilty, of course, not intentionally, of exaggeration. I have already expressed my regret at this, and I beg to repeat that regret now. At the same time, it is impossible to believe that where there is so much smoke there is no fire. None of these recent cases, so far as I am aware, have been contradicted, and only one or two of those which I cited in former speeches have been contradicted, so that, if it were necessary to rest this Bill on the abuses of the present law, such abuses would not be wanting; but the House will understand that I prefer to rest my case on the broad ground of equity and justice rather than on sensational anecdotes. But I wish to call attention to two objections raised against this Bill with which I cannot help feeling some sympathy. It is said in this Bill you are placing the Dissenting minister in a better position than the clergyman. You allow the Dissenting minister to perform any service he pleases over any person, whereas you require the clergyman to read the service of the Church over the most abandoned person whom he consigns to the earth, and who may be the most profligate of his congregation. It is impossible not to feel some sympathy with objections of that kind. But I ask this question—who is it—what is it that imposes these fetters on the clergyman? Why, his own Church and his own rubric! When this Bill was originally drawn, I introduced a clause expressly

allowing clergymen to refuse to perform the burial service over a man if they thought it proper to do so. But when I proposed to do that, I was met with this objection—"You are trying to change the rubric. You are invading the province of Convocation, and you will have all the Archbishops and Bishops down upon you." That is a task from which even the right hon. and learned Gentleman the Recorder of London has shrunk; but should my right hon. and learned Friend seek to alter the law in this respect, he will have my entire sympathy and support. There is another objection, with which also I admit I have some sympathy. It is this. It is said that by this Bill you are throwing open churchyards to ministers of all denominations, and at the same time, having abolished church rates, you do not provide a fund outside the Church to keep the churchyard in repair; and it is not fair to the incumbent, who may, under this Bill, be excluded from his own churchyard, to throw upon him the whole expense of keeping the churchyard in repair. Now, I may say this Bill does not touch the fees which the incumbent is entitled to receive. Those fees are not paid for the performing of the service, but for the breaking open of the ground. The incumbent will continue to receive his fees for the breaking of the ground; therefore, it is hardly fair to say that the incumbent receives nothing for keeping the churchyard in repair. At the same time, it may be said that if you make the churchyard the property of the parish, it is only fair that you should throw on the parish the burden of maintaining it. Now, I had in the Bill of 1870 introduced a clause which, I hope, the House will allow me to read. It is as follows:—

"In order to maintain in decent condition any churchyard or graveyard which shall be for the time being used under this Act, and also for the necessary repair of the walls and other fences thereof, the churchwardens shall once in every year, at its usual Easter meeting, lay before the vestry an account of the moneys expended for the aforesaid purposes during the year then last past; and unless there be some other fund legally chargeable with such costs and expenses, the overseers shall, upon the resolution of the vestry to that effect, out of the rate made for the relief of the poor for the parish or place in which such churchyard or graveyard is situate, repay to the churchwardens the moneys so expended by them."

This clause would have met the objec-

tion raised; but I had hardly read it in this House, when my hon. Friend the Member for Cambridge University (Mr. Beresford Hope) rose and objected to it, and it found so little favour in the House or out of it, that I was obliged to drop it. When, therefore, I introduced that clause, I was blamed for introducing it; and now, when I omit it, I am blamed for omitting it. Sir, I have gone through several objections urged against the Bill, and I cannot see one of them which is, in my opinion, sufficient to justify the uncompromising and relentless opposition which is year after year offered to this measure. I shall of course be informed, in the progress of this debate, what is the origin of that opposition—what it is that gave such an impetus to the opposition, that it became impossible for me to force it through Committee. What was it that two years ago called together the largest House that ever divided on any private Member's Bill? What was it that induced the Prime Minister himself to come to this House and enter the lists with so humble an individual as myself? Sir, I am loth to believe what I am often told, that the uncompromising opposition to this Bill arises from that spirit of exclusiveness—so unfortunate an attribute of a National Church—which induced an English Bishop to refuse the title of reverend to a Wesleyan minister; that spirit of exclusiveness which induced an English vicar to raise a wall between the burial places of Churchmen and Dissenters—a feeling quite as reasonable as that of the widow in Oliver Goldsmith's story, who objected to the corpse of a person who had died of small pox being laid by the side of her unvaccinated husband. Far rather would I believe that hon. Gentlemen who oppose this Bill *à outrance*, do so from higher motives and upon broader grounds—that they honestly think that in thus guarding the threshold of the Establishment, they are only doing their duty to the Church—that they honestly believe that in fighting the battle of the churchyard, they are really fighting the battle of the Church. Well, Sir, if that be so, all I can say is, that the champions of the Establishment have been most unfortunate in their choice of a battle-ground. The Church of England must be in a very bad way indeed, if she is driven to do battle for such a

privilege as this—if she is driven to exclaim, with the baffled divinity of Greece—

“Flectere si nequeo superos, Acheronta movebo.”

Now, Sir, I wish to be perfectly frank and open with the House on this as on every other question. I believe, rightly or wrongly, that there are influences now at work, not only without but within the Church, which are, slowly it may be, but very surely, preparing the way for the severance of Church and State in England. In that belief I may be right, or I may be wrong; but, whether I am right or whether I am wrong, of this I am perfectly certain—that the passing or rejection of this little measure will not hasten or retard the advent of disestablishment by a single day or a single hour. Your voices, though given in overwhelming preponderance in favour of the rejection of this Bill, will no more avert the disestablishment of the Church of England than the voice of the Danish King could check the rising of the tide. But though the rejection of the Bill cannot avert disestablishment, I will tell you what that rejection can and will do. It will help to embitter still further a struggle which, God knows, is bitter enough already. It will proclaim to the country that death, which heals all other differences, is powerless to heal the differences between Christian and Christian, and, what perhaps is worst of all, it will fasten upon the Church of England the unworthy—I had almost said the odious imputation—an imputation under which no Christian Church should be permitted to lie—of refusing to bind up the wounds of the broken-hearted, and to listen to the prayer of the mourner. The hon. and learned Gentleman concluded by moving the second reading.

MR. WYKEHAM MARTIN seconded the Motion. As a devoted member of the Church, he thought the damage accruing to her interests, occasioned by the scandalous scenes which had occurred, such as that recently in the Cowley case, was out of all proportion to the extent of the grievance. An unburied corpse was allowed to lie in a cottage for 11 days; a most shameful riot occurred in the churchyard, and all the odium fell on the Church. It might be said that the admission of Dissenters to churchyards would create new scandals; but even if that were so the injury to

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the Church would be much less than it suffered at present from such conduct as that of the curate of Cowley and some others, and for this reason, that the odium would be transferred to the Dissenters from the clergyman of the parish. It was time that these scandals were got rid of, for the time of burial was not that for raising polemical controversies. This Bill would remove those scandals, and not create any, and therefore he supported it. They might safely trust the good sense of the people to bury their dead without abusing the privilege conferred on them.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Osborne Morgan.)

COLONEL EGERTON LEIGH, in moving that the Bill be read a second time that day six months, denied that there was any real general grievance to remedy, though there might be an exceptional one. In discussing the measure, they should do as much as possible to avoid promoting the *odium theologicum*, and his own idea was that they should not do anything which would create a larger breach than existed at present between one denomination and another, but which they would assuredly do if they excited them by such a Bill as the one before the House. He had made the most careful inquiries on the subject, and found that no dissatisfaction whatever existed, and that the different religious denominations were on the best of terms. The Wesleyans and other religious Bodies had, in point of fact, purchased a large number of cemeteries for their sole and separate use. Wesley was himself a Churchman, and in order that his congregation might attend the parish church in the morning, he used to fix his services at such a time as not to interfere with this arrangement. Some time ago there was not so much Dissent, and there was a general desire to be buried where "the rude forefathers of the hamlet sleep;" but it did not now exist. In fact, the hon. and learned Member who acted as undertaker to his Burials Bill—he could not call him a mute—seemed to have found his grievance at the vanishing point. Churchyards were closed by Orders in Council; cemeteries and burying-grounds were opening in all directions; and the hon. and learned Gentleman's brief was walk-

ing itself off to the grave. But lawyers did not object to weak cases; the weaker the case the more credit was acquired by a clever attack or defence, and if the hon. and learned Member gained credit in proportion to the weakness of his case, no doubt he would have a high place assigned to him in the Pantheon of lawyers. He (Colonel Leigh) thought the Bill absolutely unnecessary. It had no general support, as was manifest from the few Petitions presented in its favour. If there was a general feeling among the Nonconformists in favour of the Bill, the House would be inundated with Petitions. He denied the existence of any strong feeling of hostility to the Church; he rather believed there was a growing sympathy with the Church, founded on the knowledge of what she had done and was doing. In his own division of the county, a Nonconformist gave the whole of the stone which was wanted to build a new church. There were, however, such beings as resurrectionists of grievances, and he could not but think the present a most unreal, for it was a sentimental grievance. But it served as a *cheval de bataille*—he might say "a pale horse"—for an attack upon the Church. He saw from a Parliamentary Paper the other day that there were no fewer than 120 sects of religionists in England, and if the Bill passed, he could very well conceive the confusion that would arise in a churchyard from a mob consisting of those who "came to scoff" and did not "remain to pray" at a funeral of a Mormon elder, buried by elders, and attended by 20 or 30 widows, howling in concert or dissonance. Perhaps they might have a number of Communists delivering speeches more marked by blasphemy than religion over the grave of a deceased brother. No doubt cases of scandal had occurred, but these were exceptional cases, and they could not legislate for exceptions. He, however, greatly disapproved of the conduct of Mr. Coley, and was glad he had given up his incumbency, for such conduct did far more harm to the Church than could be done by Dissenters; but such conduct was quite exceptional, and they ought not to be asked to legislate for all exceptions, but to trust to public feeling and indignation to alter the views of such clergymen. As the Queen was the head of the Church as well as the head of the Army, he might say he

should not be sorry, where such cases occurred, if Her Majesty caused to be inserted in *The Gazette* a notice that she had no further need of the services of such ecclesiastical officers. But it was not only Church of England clergymen who objected to the ministers of other persuasions officiating in their churchyards. He would, by permission of the House, read a short account of what happened at a funeral in Dublin a few days since, germane to the subject they were now discussing—

"In the closing scene there was an element of discord as unexpected as it was suggestive. It had been arranged that the Rev. Mr. Carroll, rector of St. Bride's parish, should read the Burial Service of the Church of England, and he accordingly attended for that purpose. The rev. gentleman is of liberal views, and made no objection to officiating in the cemetery, though it is a Roman Catholic one, very few Protestants being interred in it. When, however, he proceeded to discharge his sacred duty, some of the mob who had obtained admission expressed their dissatisfaction and showed a determination to interrupt if they could not prevent the ceremony. They hooted, and in some few instances pelted him, so that, although he went through a portion of the service, it was altogether divested of its reverent character. The occurrence furnished a strange comment upon the popular demand for religious equality, and the assertion of the principle by the deceased in the agitation which preceded the Irish Church Act."

He desired to see the hatchet of war buried, and peace and good-will promoted among mankind, and for that purpose he proposed to bury the Burials Bill, having sent an invitation to the hon. and learned Member for Denbighshire to act as chief mourner. He would accordingly move the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months." — (*Colonel Egerton Leigh.*)

MR. GLADSTONE: I am afraid I shall not be able to compete with my hon. and gallant Friend who has moved the rejection of this Bill in his persevering and successful efforts to dispel the gloom of the subject by agreeable and facetious remarks; but I am very anxious, at least, to compete with him, and I hope considerably to surpass him, in the compression and brevity by which what I have to say shall be characterized. I can perform in a very few minutes the

only object I have in rising—that of explaining why I shall very cheerfully support the second reading of the Bill, and why I do not give an entirely silent vote on the subject. If my hon. and learned Friend who has introduced the Bill on the present occasion, under circumstances perhaps less favourable than those of former years, had been content to introduce it with the same provisions as they stood when it was last under discussion, I, for one, would have been content to support him, and that without troubling the House for a single moment. The omission of those provisions, however, makes it only fair and ingenuous on my part to say as to some parts of the questions, that there are difficulties which it appears to me he has not taken sufficiently into view. I would say, in the first place, with regard to certain special cases of difficulty arising from the erroneous views of clergymen as to the state of the law, that I do not found my support of the Bill upon cases of that description. As the hon. and gallant Gentleman has said, they have been exceedingly rare. We pass over many years usually without the occurrence of any case of the kind; and when they do occur, they are usually owing to errors on the part of the clergy in respect to the law. At that we cannot be very much surprised, when we reflect that every clergyman being a public officer, as well as whatever else he may be, it is extremely difficult for him to comprehend exactly the ecclesiastical law, which is full of unsolved problems and anomalies, arising mainly out of its antiquity, notwithstanding the attempt of Parliament to adapt it from time to time to the circumstances of the day. I am bound to say that the Bill of my hon. and learned Friend neither will nor can prevent the recurrence of such cases. The clergyman may still refuse to read the service over an unbaptized person, and with respect to this my hon. and learned Friend would not propose to alter the law as to the one last posthumous act of conformity to the Church. I do not know, indeed, whether it would not be somewhat more likely that a clergyman would be tempted, from any doubt he might entertain, to decline to perform a service he was bound to read, if he could point to the existence of a liberty supplied by the Statute Book of having other services. Therefore, I could not

Colonel Egerton Leigh

base my support of this Bill on the occurrence of any of those cases; besides which I know no reason, if the clergyman does not perform his legal obligation, why he should not be dealt with like any other person who fails to perform the obligation. It has been said—"Unhappy is the individual who gets into an Ecclesiastical Court." That may be so, but we generally hear the observation made by gentlemen of the legal profession. It is an observation which I do not pretend to dispute; but I am disposed to broaden its scope, and say—"Unhappy is the man who gets into any Court at all, whether secular or ecclesiastical." It is one of the most mournful incidents of the vicissitudes of life. But be that as it may, the simple question in this case is—Is there a grievance? If there is, I think my hon. and learned Friend is entitled to ask us to vote for the second reading of the Bill. I hope it was rather the temptation to a jest which he could not resist, than a very strict view of the case, which induced my hon. and gallant Friend to propose that we should "bury the Burials Bill." That seemed to express an indisposition to move at all in this matter; but let me remind him it is admitted on all hands—it was admitted by the House of Lords, in the shape of a Bill which they sent to the House of Commons the year before last—that it is a distinct and decided grievance to a clergyman and the parties, notwithstanding their concurrent indisposition, that they should be under a legal obligation to have the services of the Church of England performed over the remains of the dead who were not members of that Church. Consequently, so far, at least, there is an undoubted grievance existing at law, and I am by no means disposed—I do not think my hon. and gallant Friend himself or this House would be disposed—to object to an alteration in the law in that respect. That, however, is not a grievance with which this Bill proposes to deal. My hon. and learned Friend has not embodied in his Bill any clause relieving the clergyman from the obligation of reading the Burial Service in cases where he and the parties concur that it should not be so read; but he could not object to the introduction of any such clause. Sir, the Bill proceeds much beyond that, and many are prepared to concur to that extent in the alteration of the law, and

yet cannot support the Bill. He says it is a grievance that those who do not belong to the Church of England should be debarred from the privilege of accompanying what the law terms the easement of burial in the churchyard with a religious service on the spot, at the grave. In answer to that, it is said that the performance of the religious services at the grave has not been usually characteristic of the religious bodies of this country, other than the Church of England. Neither the Roman Catholics nor the Non-conformists have been in the habit of using such services; but I am bound not to tie them down in their absence, and I do not think that it is for us members of the Church of England to say it would be at all unseemly or unnatural on their part were they in particular cases, or generally, to adopt the view that it was expedient and becoming to perform some religious service at a grave. The question now is, whether it should be prohibited by law in the churchyards of the Church of England. I am of opinion with my hon. and learned Friend that there is a grievance in the prohibition, and it is because I look upon this Bill as a means of removing that grievance that I think it right to vote for the second reading. When, however, I look at the particular clauses and provisions of the Bill, I own it seems to me that there are several questions which would require consideration in Committee—indeed, it is quite plain to me that they are strictly questions that can only be treated there. The state of our churchyards at the present moment is very different indeed from what it used to be 30, 40, or 50 years ago, partly from increasing wealth in the country, and partly, I cannot help thinking, from greater sensibility of feeling on the part of all classes of the community, particularly in the labouring classes, and this has led to the introduction of proceedings perfectly innocent and even laudable in themselves, which tend to give to the churchyards of this country a character not only of decency, but almost of delicacy in their arrangements, which renders it rather difficult to deal with them in cases where you contemplate or propose to permit or encourage a considerable assemblage of people within their limits. It may be contended that on the occasion of funerals, as at present conducted, no practical

difficulty arises; and why should there be a practical difficulty if this Bill become law? The present state of the case is this—the clergyman, who by law is invested with the freehold of the churchyard, is also by virtue of his office guardian of peace and order within its confines. He is the superintendent of all funerals that take place also, and it is his business and duty to call in the aid of the police authorities upon any occasion when the presence of a crowd is expected, the police authorities recognizing this as one of the occasions on which the police are invariably present for the purpose of making the arrangements necessary to prevent damage to the churchyard from inconvenient pressure. I do not for a moment speak of the presence of restraint at those assemblies. Anything of that kind may be safely dismissed from our contemplation. It is a case that would be so rare in recurrence, and so utterly repugnant to the whole feeling of the community, that it should be treated like any other of those exceedingly exceptional cases which cannot be made the subject of practical consideration. At present not only the clergyman personally seems to have to discharge the duties attending funerals, and to take cognizance of all their incidents, but he is also the person upon whom falls the burden and responsibility if any damage of any kind is done. He has to collect the funds by which the churchyard is maintained—a duty which too often falls as a heavy charge upon him, inasmuch as few English families like to assume the responsibility of collecting the pecuniary requirements of our Church. His authority, therefore, is certainly a great security in respect to order at funerals; but there is no person holding a corresponding position in the case of the Roman Catholics and Nonconformists, and it might be thought invidious, and even probably officious, if the clergyman, as a *quasi-civil* officer, were to assume the responsibility of taking the arrangements in those cases. It therefore appears to me a very serious question, independent of other matters connected with the public peace, of what is really to be done to prevent our churchyards from receiving damage, not from any feeling of misconduct, nor from a desire to do mischief, but as a necessary consequence of the presence of large numbers, who

sometimes assembled in crowds for the purpose and with the desire of hearing some eloquent preacher deliver an oration or address in a very limited space, among the rather delicate and fragile nature of the freshly dug soil and newly-deposited flowers on the graves of their fellow-subjects. I, therefore, think it would be necessary in Committee in some manner or other to provide against this difficulty. These are the reservations I wish to make in saying that I should cheerfully and confidently vote for the second reading. The hon. and learned Member said, that he had introduced precautionary provisions in the Bill. I will not say that they are the best, for it very often happens that when you think you do not do good by introducing such provisions, you will often find you have done harm in omitting them. I believe it would be reasonable in the present condition of this country, especially in the present condition of the religious professions, and especially in the present condition of Wales—where there is a large proportion of the population belonging to the Nonconformist Bodies, constituting a case very much resembling, although in a more limited area, the case of Ireland, for which long ago we made special provision—that we should pass the second reading of this Bill, and, with the reservations to which I have just referred, I shall give it a very cheerful and hearty support.

Mr. HEYGATE supported the Motion for the rejection of the Bill. At the same time he had always felt that there was a certain amount of grievance in connection with the burial question; and in his opinion, the only difference lay in what that grievance was, and in the remedy proposed. The remedy suggested by the Bill was, however, of so violent a nature that it was far worse than the disease. There were two real grievances, the first being that the friends of a deceased person should be obliged to have one particular service read over the departed, of which they disapproved; and another cause of complaint was, that the clergyman should be called upon to use words which, having regard to the character of the person over whom they were read, were felt to be scarcely justifiable or proper, unless on the ground of excessive charity. He should endeavour to meet those

Mr. Gladstone

grievances; but he did not think the way to do so was to throw open the churchyards to persons of all religious denominations, some of which had no ministers. He could not agree with his right hon. Friend the Member for Greenwich in the "see-saw" manner in which he treated the question; and the very fact that they had now a Bill before them which professed to remove the difficulties, showed only that it would fail in its object because it did not contain any safeguards. There was no security whatever in the Bill. He (Mr. Heygate) had brought in a Bill four years ago on the subject, which, if carried, would, in his opinion, have proved satisfactory. That Bill was read a second time, and the hon. and learned Member who brought in the present Bill had expressed himself then in a very different manner from that in which he had expressed himself on the present occasion. He denied that those who objected to have the service of the Church of England performed in the churchyard had a right to have the service of their own particular communion celebrated there. It seemed to be claimed as a right; but there was no such right, though it was true that every parishioner had the right of being buried in the graveyard. There was an exact analogy, he maintained, between the case of the churchyard and admission to the church itself, and until some reason for drawing a distinction between the two was shown, and some grounds were advanced showing that the proposals of the hon. and learned Gentleman might be granted without its being sought to make them a stepping-stone to the performance of every kind of service, he must continue to oppose such a measure as that under discussion. To prove how great were the facilities other than those afforded in our churchyards for interments, he might point out that in reply to a circular asking for information on the subject, it was stated that out of 6,209 parishes which sent in returns, 1,627 had chapel burial-grounds, 421 public cemeteries, while in 2,140 no Dissenting chapel whatever existed. He hoped his right hon. Friend the Secretary of State for the Home Department would direct his attention to the subject and endeavour to meet the case by applying some remedy, either by increasing the number of cemeteries, or by giving facilities for

separate burials. He might mention that no single Conservative Member for England or Wales had ever supported the Bill; while as to the feeling in its favour, he wished to observe that it had found little or no expression at the last General Election, for while much pressure had been put upon candidates in respect to other questions, such as the income tax, local taxation, and even the Contagious Diseases Bill and the Permissive Bill, the proposal of the hon. and learned Member for Denbigh had been wholly unnoticed. Again, although a measure embodying that proposal had been read a second time by a majority of 63 in 1873, it was carried by the votes of the Scotch and Irish Members, while it should be borne in mind that the majority in its favour in 1870 was 111. He would further observe that the number of Petitions in support of the Bill did not show that any great grievance was felt to exist; and that although three or four years ago, a considerable number had been presented on the question, they came almost entirely from Ireland and Scotland. No case had, therefore, he contended, been made out in favour of the Bill which would warrant the House in passing it, while the scandals alluded to by the hon. Member for Rochester (Mr. Wykeham Martin) would remain untouched by its provisions. He felt bound, he might add, to admit that no such evils as had been predicted had resulted from the operation of the Burials Bill which had some time ago been passed for Ireland, although what occurred at the funeral of Sir John Gray did not show a very satisfactory state of things. In Ireland, however, there were practically only three religious denominations, and therefore there was not that inconvenience that would be likely to arise in a country which comprised so many religious sects as were contained in England. Admitting, however, as he did, that there was a grievance, he thought it might be effectually removed by the Interments in Churchyards Bill, introduced by himself, and which stood for a second reading that day. Believing then that the grievance was extremely small, that it might be met by giving increased facilities, and that the operation of the Bill in this country would be injurious, he should vote against the second reading.

Mr. SHAW LEFEVRE said, he had on the invitation of his hon. and learned Friend the Member for Denbigh (Mr. Osborne Morgan) put his name on the back of the Bill, and he therefore wished to say a few words in reference to it. He supported it, first, because the grievance complained of by the Nonconformists was well-founded, and next, because—in the interest of the Church itself—it was desirable that this grievance should be fully and amply remedied. Upon the whole, however, he preferred the Bill brought in by his hon. and learned Friend last year to the present measure, although he had no doubt exercised a wise discretion in leaving the concessions recommended by the Committee of 1870, since they had failed to conciliate the opponents of the Bill, to be inserted, if the House should see fit, at a future stage. It was, in his opinion, unnecessary to extend the Bill to those places which were already provided with cemeteries, and it would be well to make provisions against celebrations of a civil character in the churchyard; but the principle of the Bill, that the Nonconformists had a right to the celebration of interments by ministers of their own religion, had his warm approval. The hon. and gallant Member opposite (Colonel Egerton Leigh), who had moved the rejection of the Bill, had indulged in a number of jokes, the best of which were somewhat misplaced, and which were little calculated, in the hon. and gallant Member's own words, to "bury the hatchet" between Churchmen and Nonconformists. He was surprised to hear the hon. and gallant Member deny the right of Nonconformists to burial in the parish churchyard. The right of parishioners to be interred in the parish churchyard was not an ecclesiastical right, but an indefeasible civil right. There was no exception to that rule, and it not only belonged to Nonconformists and Roman Catholics equally with Churchmen, but a Mahomedan parishioner, if one could be found, would be entitled to be buried in the churchyard of the parish. A clergyman of the Church of England was bound to read the Burial Service in all cases except over persons excommunicated, those who had committed suicide, and those who had not been baptized, but he was obliged to recognize baptism by a Nonconformist minister, and even by a layman. There

were two classes of Nonconformists who suffered from the law as to baptized persons—those with whom baptism was not a customary rite, and those who postponed the rite until children had attained to a more mature age. There were only 530 cemeteries in England and Wales, while there were 13,000 parishes not provided with cemeteries; so that the grievance was largely felt by Nonconformists, who had no desire to possess separate churchyards of their own, and who wished the Burial Service to be conducted by their own ministers. Besides that, there was a growing feeling among the clergy themselves, that it was a hardship to be called upon to perform the service over persons not in communion with them. The hon. Member opposite (Mr. Heygate) himself recognized this hardship, because he had brought in a Bill which, although wholly futile in other respects, would relieve the clergy from this disagreeable duty. There were many who believed that the effect of this Bill would be to create polemical discussions in churchyards, and lead to demonstrations of rival sects which might cause a breach of the peace. He, however, agreed with his right hon. Friend the Member for Greenwich, that there need be no fear of civil disturbance, if this Bill became law, neither did he think there was any danger of polemical discussions being held in the churchyards. In Scotland and Ireland the law was very much the same as that now proposed for England. In Scotland it was not the custom of the Presbyterians to use any ceremonial rites at the grave. The service was usually performed in the house, and then the corpse was committed to the grave in silence. In Ireland, until quite lately, the law and practice were almost the same as in England. An Act, however, had been passed, which had been accepted as a measure of conciliation by all parties. When that Act was before Parliament, in 1868, the same predictions as to its working which were urged against the present Bill, were freely indulged in. Mr. Lefroy warned the House of the danger of collisions if a Roman Catholic procession had a right to enter a churchyard and perform their own funeral service. In the House of Lords, the Archbishop of Armagh predicted that the Act would lead to nothing but confusion and collision. What, however,

had been the result of the Act? The churchyards were the exclusive property of the Church of Ireland, yet ministers of all religions might perform any ceremony they thought fit at the funerals of their flocks; and he had been assured by those best acquainted with the subject, that the Irish Burials Act had worked well, and that no cases whatever of disturbance had ever occurred. He would therefore ask why a measure which had succeeded so well in Ireland should fail in England? But then it was said that this was only the thin end of the wedge, and that, although the Nonconformists only asked for the churchyards now, they would next ask for the churches. Even in Ireland, however, when the Church was disestablished, no demand was made for the churches. Believing that all the measures of conciliation passed during the last 20 years had strengthened the Church—that the grievance was one which affected not only the Nonconformists, but the clergy—he asked the House to accept the Bill as a step in the right direction, and as a measure which would not result in any of the evils that were so confidently predicted.

THE SOLICITOR GENERAL said, he was sure that the House felt obliged to his hon. and learned Friend opposite (Mr. Osborne Morgan) for the way in which he had advocated the measure. He was sure his hon. and learned Friend had said all that could be said on behalf of his Bill, and he had said it in the ablest manner; and if the principle did not meet with the acceptance of the House, it was because there was something weak in the case, and not on account of any defect in the advocate. The question was most important, yet it lay in an exceedingly narrow compass. It had been represented by the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) and the hon. Gentleman who had just spoken (Mr. Shaw Lefevre) as a Nonconformist grievance, the removal of which they had a right to demand. No doubt, if it were a grievance, and one of sufficient magnitude to call for legislation, it ought to be remedied, always provided that it could be remedied without creating in its turn a grievance of equal or greater magnitude; and the reason why he opposed it was, not because no grievance at all had been made out, but because

it would create a much larger grievance than that which it removed. No doubt, every parishioner had a right to be interred in the parish churchyard; yet there was a limit to his right. The churchyard was legally vested in the incumbent, and he held it as a portion of the property belonging to the Established Church, and no parishioner had a right to be buried without the observance of the laws and regulations of that Church. Now, what was the grievance of the Nonconformists? His hon. and learned Friend did not complain that those who died excommunicated, or had committed suicide, or had died unbaptized could not have the Burial Service read over them, and if there was a defect in that direction, it was not, at all events, cured by this Bill. What he complained of was, that Dissenters who had a right to be buried in the churchyard must submit to have the beautiful and exquisite service of the Church read over their deceased relatives, instead of having a service of their own by a minister of their own denomination. It was said that there were persons who objected to the reading over their deceased relatives of that service which of all services was the most solemn and beautiful. That grievance was sought to be remedied; but the remedy proposed did not meet the views of those who were in favour of the present measure. The grievance of which they complained was that a Dissenting minister, or a person who was not a minister at all, was not allowed to read at the funeral of a Dissenter, and in the parish churchyard, any service, deliver any harangue, or perform any rite he might think proper. Well, it had been admitted by the right hon. Gentleman the Member for Greenwich—than whom no one was better informed on such subjects—that, as a rule, the Nonconformists did not wish for any funeral rite to be performed in the churchyards. Then, again, they ought to consider the small number of places there were in which Dissenters had, of necessity, to be buried in the parish churchyard. They had, no doubt, in some rural districts; but in the vast majority of cases, they had burial grounds of their own, and in scarcely any case could they fail to obtain ground for the purpose. Besides that, churchyards in cities and towns were daily being closed, so that

every week the grievance was diminishing. But it was said that although the grievance was a small one, it ought to be remedied by legislation, and he admitted that if no evil consequences arose, it ought to be remedied. The Bill, however, placed no restriction upon the ceremony to be performed, and it should not be lost sight of that there were a large number of persons in the country who objected—and fairly objected—to such a provision as that proposed. They were members of the Church of England, of that Church whose property the churchyard was, and might they not very reasonably say that they did not like such services to be performed in the churchyards as might be under the Bill, and which would be a greater offence to them than the fancied grievance complained of was to the Dissenter? The right hon. Gentleman the Member for Greenwich said, that a grievance existed which ought to be removed, but that it did not exist to anything like the extent which had been asserted, and he went on to say that dangers might have to be encountered which were of no mean or trifling description; and the right hon. Gentleman drew a picture of a quiet churchyard—the burial in it of some Nonconformist who had been a political celebrity, and an eloquent minister from some distant place delivering in the churchyard a funeral oration. What security had the parishioners who were members of the Church of England that that oration would not contain offensive and irritating allusions? But if the Nonconformists were so desirous of having those privileges, why did they formerly so strenuously resist a tax for the maintenance of the churchyards? Forty-three or forty-four years ago the Nonconformists agitated for the abolition of compulsory church rates. They carried on that agitation with the greatest possible vigour and to a successful issue, and when it was suggested as a compromise that while they ought not to be called upon to pay for the maintenance of the structure, they ought for that of the churchyard in which they might bury their dead, they would not listen to the suggestion. It came, therefore, from them with an ill grace to bring forward this measure, and he should oppose it on the ground, as he had before said, that the grievance now sought to be remedied was at best

a very slight one, and its removal would create a still greater one in another direction.

MR. ROEBUCK: I am anxious not to give my vote without a reason, and I am the more anxious to give that reason after the speech we have just heard from the hon. and learned Gentleman the Solicitor General, which seems to be more that of a lawyer speaking from his brief than of one who is anxious that the Bill should be defeated. I regret that the hon. and gallant Gentleman (Colonel Egerton Leigh) who moved the rejection of the Bill has thought it right to make so many poor jokes upon the subject. Now, in a matter of this sort, which touches the dearest affections of many people, it is not proper that idle and foolish jokes should be indulged in. Let me ask where is the real mischief likely to arise from passing this Bill. We can do no injury to the dead, and nothing we can do will be of service to the dead. The persons injured and affected by the existing state of things are the living, who have to bury the dead. What harm would take place if something of this kind occurred? A Dissenter dies, and he dies in a parish in which he has lived all his life, and his relatives require that he should be buried in that churchyard in which the bones of his ancestors have been laid. That is surely a very natural desire, and there must be a feeling on the part of every right-minded person that the desire should be gratified. Well, suppose the Bill has passed, and the Dissenter is buried there. The Church of England clergyman, not being present, is not injured, because it is the minister of the Dissenter who comes and pronounces over the body such a speech or discourse as he thinks will please the relatives, and do honour to the dead. I want to know what grievance there is there. "Oh," but it was said by the hon. and learned Gentleman, "there is a grievance. There may be a large number of people in that parish who don't like to see a Dissenting minister in a Church of England churchyard, and they show that feeling by opposing this Bill." Now, I regret such a feeling towards one's fellow-creatures. In my opinion it is much to be desired that such people should be taught to have right feeling and to act like Christian men; to feel for people in affliction and seek to soothe

their sorrow rather than to entertain narrow-minded prejudice against them. Would it not be more in accordance with Christian feeling that the relatives and friends of the dead should be allowed to be soothed in their sorrow and gratified in their feelings by the one to whom they had been in the habit of looking? Let us get rid of the narrow-mindedness which opposes this Bill. When I heard that it was likely it would be rejected by an overwhelming majority, I asked myself why should the House of Commons be so narrow-minded—what possible advantage can it be to the Church of England to retain in their hands this small power, and what injury can be done to the great body of the Church of England by granting to their fellow-citizens what is now asked? To my mind the first great thing to be done amongst us all is to get rid of this narrow-mindedness about religion. Unfortunately, that subject—the most difficult and most mysterious—has created more heart-burnings and mischief than any other question which agitates mankind; but, as years roll on, I have seen in my days so many changes in religion, and so much setting down of differences and no injury following therefrom, that I cannot help thinking the House of Commons will do well to consider what they are about, and not to cast a slur upon the name and greatness of the great Body to which we all belong.

MR. FORSYTH said, he should oppose the Bill, but not from any disrespect towards the Dissenting Body. He thoroughly respected their conscientious scruples; but he should vote against the Bill, amongst other reasons, because its promoters had made out no case in its favour. After the Disruption of the Church of Scotland, great difficulty was found by those who joined the Free Church in obtaining building ground on which to erect their churches. It was said that immense tracts of land belonged to certain persons who would not give or sell any portion of it for that purpose, and a Bill was threatened to be brought in to compel them. If he had been in Parliament at the time, and that Bill had been brought in, he would assuredly have voted for it. But what was the case here? The hon. and learned Member for Denbighshire (Mr. Osborne Morgan) founded his Bill almost entirely upon the ground that there were only

531 parishes in England in which there were public cemeteries; but that must be wrong, because he used the same figures in 1873. [Mr. OSBORNE MORGAN said, he had used to-day the figures of 1873.] If the number had increased the hon. and learned Member should have told the House so. In 1873, the Home Secretary resisted the Bill, on the ground, amongst others, that greater facilities ought to be given for providing cemeteries. It was to be regretted now that they had not before them some Return or other authentic information to show whether there were not a very large number of churchyards, as he believed there were, in which Dissenters could be buried with as much freedom as the members of the Church of England. The hon. and learned Member further stated that there was an overwhelming preponderance of feeling in favour of the Bill. He (Mr. Forsyth) was astonished at that statement, and would like to ask if any such feeling had been expressed by Petitions, as it would be if it really existed? He had made inquiry at the Petition Office on the subject, and found that while there were 24 Petitions against the Bill, with 511 signatures, there were in its favour three Petitions, under official seals, bearing four signatures only. Sure he was that if Petitions could have been procured—and they were the true index to the feeling of the country—his hon. Friend would have had them and rested his case upon them. There could be no doubt as to the right of every parishioner to be buried in the parish churchyard, subject to having read over his remains the Burial Service of the Church of England. There was a sentimental objection to that condition, and he respected it, but ought not the sentiment of those who were opposed to the Bill to be respected also? They all knew that the parish churchyard was a sacred place, consecrated by prayer offered by a duly authorized Bishop, according to the rights and usages and forms of the Church of England, whose faith was belief in the Trinity; and if Dissenters objected to the Burial Service of the Church of England, surely they ought to allow members of the Church of England to object to services such as a political harangue which might be delivered over the grave of a Dissenter, and which might violate the holiest doc-

trines of their religion. Under the Bill there might be any service or no service, and that was the substantial objection to the Bill—not the fear of rioting or the destruction of flowers. Another objection was this—that if Dissenters might have their service read in the parish churchyard, those of them who usually read all or a portion of their service in their chapels might claim the right to read it in the church, and if the one claim was conceded how could the other be resisted? The only plausible ground for the Bill had been removed by the abolition of church rates, for Dissenters now were not asked to pay 6*d.* for the maintenance either of the church or of the churchyard—the necessary funds being subscribed voluntarily by Churchmen. He himself was resident in Berkshire, and paid a voluntary church rate for the sustentation of the fabric in which he worshipped; and he did not think it fair or right that those who did not during their lives take any part in the maintenance of the churchyards should have the right claimed for them, not to be buried there—for that right existed—but to be buried with any ceremony or no ceremony, just as their relatives desired.

MR. RICHARD: As this question has not been before debated in the present Parliament, perhaps I may be permitted, as a Nonconformist, to explain the precise nature of the grievance of which Nonconformists complain. I am the more anxious to do this, as it seems to me clear from the course of the discussion, and especially from the speech of the hon. and learned Gentleman the Solicitor General, that considerable misapprehension still exists in the minds of even well-informed persons, such as we may presume him to be. But I must first correct a statement made by the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), and, of course, deriving great weight from his authority, which has been repeated in still stronger terms by the hon. Member for South Leicestershire (Mr. Heygate) and has been assumed by the hon. and learned Gentleman the Solicitor General as an indisputable fact—namely, that it is not customary among Protestant Dissenters to have a service at the grave, but that silent burial is the rule among them. Perhaps, on this one point, I may venture to place

my authority even against that of the right hon. Gentleman the Member for Greenwich. So far as I know, with the exception of Scotland, and perhaps the Presbyterians in England, it is the universal custom of all Bodies of Nonconformists to have service at the grave. A great deal has been said on the point that there is no demand for the Bill. The hon. and learned Gentleman the Member for Marylebone, who has just sat down, has repeated the assertion made by several others, that there have been no Petitions, or very few, presented in its favour. I believe the hon. and learned Gentleman was not a Member of the last Parliament; but when my hon. and learned Friend the Member for Denbighshire first brought forward his measure there was a large number of Petitions, having more than 100,000 signatures. I used to come in myself, almost every day for weeks, with an armful of Petitions which I could scarcely carry. The reason why there are no Petitions now, is that people cannot be always sending Petitions on the same subject. The hon. and gallant Gentleman who moved the rejection of the Bill referred to a case in which he himself was concerned. As I understood him, when he was once in command in Scotland, one of his men died, and he was allowed to go into a Presbyterian churchyard, and read the service of the Church of England over his body. Did it not occur to the hon. and gallant Gentleman that then a privilege was accorded to him by the Presbyterians of Scotland which his own Church in this country would deny to the Presbyterian or any other Dissenter? The hon. and learned Gentleman the Solicitor General raised the objection that, possibly, some celebrated Dissenting politician might die, and that a political oration would be delivered over his grave, and he says that members of the Church of England would object to such a thing being done in a churchyard that belongs to them. Well, in the first place, the churchyard does not belong to them. It belongs to the parish, and every Dissenter who lives in that parish has as good a right to be buried there as any Member of the Church of England. But I can tell the hon. and learned Gentleman that it is not the habit of Dissenters to turn graveyards into places of political declamation. I

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wish to correct another prevailing error. It is sometimes supposed that Nonconformists are promoting this Bill, because they have a conscientious and inveterate objection to the Burial Service of the Church of England. Now, I believe that is an entire misapprehension. I doubt whether you would find one in a hundred among them who would object to that service for its own sake, or who would doubt that it is a beautiful and impressive service when used over those to whom it appropriately applies. So far is it otherwise, that they themselves almost invariably employ a large portion of it. I have attended many scores of Dissenting funerals, and always the greater part of the service has been the same as that of the Church of England, and for this obvious reason, that the larger—and hon. Gentlemen opposite will allow me to say—the better part of that service itself consists merely of selections from the Holy Scriptures, selections made, indeed, with admirable judgment and taste, but nothing more. And it is remarkable that the comparatively small portions of the service not taken from the Bible are just those to which not Nonconformists only, but many Churchmen have strongly taken exception. But we object to have any form imposed upon us. We are accustomed to greater freedom in our religious exercises. We believe that no form which human ingenuity can devise would be applicable to all the infinite variety of human life and circumstance. We feel—and surely there are occasions when members of the Church of England must also feel—that there is something more than anomalous in having one service over a child of three days old and a man three-score years and ten; over some Christian man or woman who has lived a whole life of devotion to the service of God and humanity, and the notorious profligate who may have died in a drunken orgie. It is not the Nonconformists only who feel this anomaly. There are hundreds of earnest and conscientious clergymen who feel the obligation to the indiscriminate use of this service as a grievous burden on their consciences. If I may venture to say so, without offence—and I am sure I mean none—I believe one of the reasons why the Church of England has lost its hold on large sections of the people, is the unyielding rigidity with which it

adheres to forms. Your system is hard, inelastic, unaccommodating. You insist upon putting your own ministers—highly intelligent and educated gentlemen—into a strait-waistcoat of uniformity, and do not give them the slightest power or discretion to vary or alter the services they perform according to the circumstances of the case. Now, I wish in addition to the admirable statement of my hon. and learned Friend the Member for Denbighshire (Mr. Osborne Morgan), to say a few words further as to the object of this measure. There are two classes of persons whom we propose to relieve by this Bill. There is one class who are denied all rites of Christian burial in the parochial churchyards. As the House is well aware, there is a large and respectable body of persons in this country who do not think it right to administer baptism to infants, but only to those who can make an intelligent profession of their personal faith. When the children of such persons die, if no burial-place but the churchyard is accessible, they must be buried without any religious service whatever, and this is often felt to be painful and humiliating in a high degree. But there is another and a much larger class, comprising all the Nonconformists of every denomination, who are now forbidden to have their dead buried by their own ministers, and with such religious forms as they prefer. We object to this on two grounds. It seems to us as if the Church took advantage of its position to lay its hand on the Dissenter and claim him as its own when dead, though through life he has conscientiously refused her his allegiance. It is impossible to put this view of the matter more clearly than was done by the right hon. Gentleman the Member for Greenwich. Speaking in this House in the year 1863, the right hon. Gentleman said—

“If he (the Dissenter) has access to the churchyard, or has access to it subject exclusively and absolutely to the condition of having the service of the Church read over his remains, I confess I do not think that that is a state of the law which is consistent with those principles of civil and religious freedom on which, for a series of years, our legislation has been based. I do not see that there is sufficient reason, or, indeed, any reason at all, why, after having granted, and most properly granted, to the entire community the power of professing and practising what form of religion they please during life, you should say to themselves, or their relations when they are dead, ‘We will at the

last lay our hands upon you, and not permit you to enjoy the privilege of being buried in the churchyard, where, perhaps, the ashes of your ancestors repose, or, at any rate, in the place of which you are parishioners, unless you appear there as members of the Church of England; and, as members of that Church, have her service read over your remains.' That appears to me an inconsistency and anomaly in the present state of the law, and is in the nature of a grievance."—[3 *Hansard*, clxx, 153.]

Then, I think, you are casting an ungenerous aspersion on our character in refusing to us this right. Here we are engaged side by side with you in carrying on the great work of Christian civilization. You will acknowledge—indeed, most generous acknowledgments have frequently been made by distinguished members of the Church of England—that but for the labours of the Nonconformists there would be a deplorable destitution of the means of religious instruction among large masses of the people of this country. Some of you do not to hesitate to join with us in various forms of religious and philanthropic enterprise. Yet when we come with our dead to the graveyards, which are the property of the nation, and ask to have them interred by our own ministers, and with such religious services as are most consistent with our consciences and preferences, you meet us with uplifted hands, and exclaim—*Procul, O procul, este profani!* It has been alleged over and over again in the course of this debate that it is a very small grievance with which this Bill deals. It may be very small to those who inflict the grievance; but it is those who suffer who are the best judges of that matter. It is astonishing with what perfect philosophical calmness and composure we can endure the wrongs and grievances of others. One of the reasons assigned in support of the allegation that this is a small grievance is that there are now so many opportunities for Dissenters to be buried elsewhere without coming to the graveyards attached to the churches of the Church of England. The hon. Member for South Leicestershire, in a former debate, speaking, as he always does on this question, in a kindly and conciliatory spirit, referred to Wales as a part of the country where there are ample graveyards attached to the chapels. He could scarcely have selected a more unfortunate instance in illustration of

his argument, because it is just precisely in Wales that a very large proportion of Dissenting chapels have no graveyards attached to them. I hold in my hand some statistical returns, and I have this guarantee for their correctness, that they have been procured from those who represent the various Nonconformist denominations in Wales. In Carnarvonshire the Calvinistic Methodists, Independents, and Baptists have 240 chapels—of these 35 have graveyards, and 205 have none. In Anglesea, there are 147 chapels belonging to the same Bodies—25 have graveyards, and 122 have none. In Flintshire, the Calvinistic Methodists and Independents have 113 chapels—13 of these have graveyards and 100 none. In Merionethshire, the three denominations have 173 chapels—of these 46 have graveyards, and 127 have none. In Denbighshire, the Calvinistic Methodists and Independents have 133 chapels—of these 27 have graveyards, and 106 have none. In Montgomeryshire, the same two denominations have 155 chapels—of these 27 have graveyards, and 128 have none. In Cardiganshire, the Methodists and Independents have 150 chapels—of these 48 have graveyards, and 102 have none. In Carmarthenshire, the three denominations have 225 chapels—of these 149 have graveyards, and 76 have none. In Glamorganshire, the Calvinistic Methodists and Independents have 332 chapels—of these 162 have graveyards, and 170 have none. It is not for me to presume to give advice to the Members of the Church of England; they are the best judges of what is their true policy. But I should have thought that in the interest of their own Church, it would be wise to remove these grievances, which are like a blister on the consciences and feelings of a large portion of the community. Some, I believe, oppose this Bill, because some of us who promote it advocate the disestablishment of the Church. Certainly we do so, and my only wonder is that right hon. Gentlemen proclaim this now, as if they had made some remarkable discovery. Why, we have been engaged any time these 30 years in agitating for disestablishment. But do you imagine that you serve the cause of the Establishment by perpetuating such exclusive and invidious distinctions as these? If I were mindful only of the cause of disestablish-

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ment, I should say to my hon. and learned Friend—"Pray do not touch this question; leave it alone. These scandals that are occurring continually up and down the country, partly through the fault of the clergy, but much more frequently through the state of the law, are making rapid converts to disestablishment; therefore I should be glad to retain this grievance so far as that object is concerned." But I am anxious to see it removed, because I believe it will tend to allay a great deal of irritation and animosity. I wish that around the graves of those who may have differed in life the battle should no longer rage, especially as we may cherish the consolatory hope that at the very time when we are fighting, as it were, at the tomb, all discord and conflict have ceased for them, as they have entered into what has been beautifully called the all-reconciling world.

MR. SCOURFIELD said, that the Bill was by no means an honest one, for although it was generally assumed that its object was to confer an extension of the rights of burial upon the Nonconformists, the Bill itself contained no reference to the Nonconformists or to any other Christian community, and, in fact, the title of the Bill ought to have been, "The Burial Service Bill." It had been argued in support of the Bill that whatever divisions might exist between the Dissenters and the Churchmen in life, an end ought to be put to them in death. With that proposition he entirely agreed, and he thought that nothing could reconcile differences in theological views more thoroughly than a uniform service embodying all points on which Protestants were agreed, and excluding all on which they were disagreed being read over the graves of Dissenters and Churchmen alike. The causes of complaints against clergymen were very few and far between, and had been much exaggerated. For instance, the Welsh case to which the hon. and learned Member for Denbighshire had referred in his speech of the 23rd of March, 1870, as having done more to widen the gulf between the Church and the Dissenters, and to weaken the tottering fabric of the Establishment than anything else that had occurred during the last 90 years, was one in which the clergyman, having granted leave as a favour that the body of a person who was not a

parishioner should be buried in the graveyard attached to his church, thought that under the circumstances he had right to read the Burial Service at the funeral. The clergyman was the more justified in the course he had taken, inasmuch as the deceased, who was a Methodist minister, had during life always expressed the greatest admiration for the Church of England Burial Service. And yet this was a case that was declared to have been regarded throughout the country as a piece of gross tyranny on the part of the clergyman. For his own part, he should be delighted to see any real grievances under which the Dissenters were labouring fully and completely redressed. Some line, however, must be drawn with regard to the nature of the service permitted to be performed in the churchyards, and it could not be tolerated that the representatives of every extraordinary delusion should be allowed to go through what they chose to regard as religious ceremonies on the occasion of the funeral of any of their followers.

MR. D. DAVIES, who claimed to represent the feeling of the majority of Nonconformists said, he might describe himself as a fair specimen of them, without having any crotchets on this subject. The vicar of his own parish was a tenant of his, and one of his best friends. Anyhow, he had been his friend for 35 years, and that was a good deal for a Nonconformist to say. If the House would kindly accept him as a fair specimen, he might add, in answer to the inaccurate remark that Nonconformists did nothing to restore the fabric of the church, that he gave the first subscription towards the restoration of his parish church. The Nonconformists were more or less one-half of the population in England and Wales, so that they were not a mere insignificant handful of people. Not only were they an important section of the community, but they were very loyal subjects of Her Majesty. Having said so much on that point, he would tell the House what his grievance was in common with that of all other Nonconformists. He would have not the slightest objection to the service of the Church of England, even when he was dead himself; but he hoped to be a good man, and then the service would be for him a proper service. What he

complained of was, that they would not have the same liberty in death as they now had in life, and that the minister whom he was accustomed to hear was not allowed to conduct the burial service for his friends while he was alive, and for him when he died. That was the secret of the whole grievance. Granting that burial grounds should be regarded as sacred, permission to Dissenting ministers to pronounce the funeral service would do them no harm. As regarded learning, he thought that Nonconformist ministers were equal in that respect to the clergymen of the Church of England; in fact, he believed that the most learned and the greatest preacher that ever lived was a Nonconformist. As a body, they were a very happy people, and acted on the principle of "give and take." The best plan under the circumstances was for the Church of England not to stand strictly upon what she might regard as her legal rights, but to act upon the same principle and give and take and to become liberal in her views. He put it to the Government whether it might not be worth their while to lend their aid towards carrying this Bill, on the understanding that it should be amended in Committee. Such a measure would be carried sooner or later. The law, as it stood, was a positive insult to Nonconformist ministers, and he asked the House to pass the Bill unanimously, if that was not too much to expect. He trusted that they should hear nothing more of the Interments Bill, under which he understood persons would be buried like dogs. He did not wish to interfere with hon. Members opposite, who were all very good in their way; but he warned them that if they passed the Interments Bill, they would find at the next General Election that the power of the Nonconformists was not to be despised.

MR. NEWDEGATE: I have nothing to say against the *bonhomie* of the hon. Gentleman the Member for Cardigan, who has just addressed the House; he would have us consider him quite an exception to the ordinary Nonconformist. He tells us that, although he is a Nonconformist, he has actually let some land to the vicar of his parish; he further informed the House that he considers himself a very good man, so that there could be no objection to the Burial Service of the Church of England being

read over him. He also told us that the Nonconformists were not apt to provide for their own religious requirements so freely as they ought to do. This brings me to the position in which we stand. What is the fact? The Nonconformists have adduced all the same sentimental arguments they have used in favour of this Bill, when a few years ago they wanted to get rid of Church rates. The argument they then urged was, that it was unjust to make them pay for the maintenance of churchyards which were of no use to them; and now the same persons come forward and tell us that although they pay nothing towards the maintenance of these same churchyards, they claim the use of them on their own terms. Why do they object to the increase of cemeteries? Is it because they fear having to pay heavy fees; and yet they will not provide more ground than they want for their chapel buildings to stand on; they will not provide graveyards for themselves, but claim admission to the churchyards for their ministers to perform services over their dead. I would ask the Representatives of Nonconformists whether they expect us to think this a very modest or moderate request? The hon. and learned Member for Denbighshire (Mr. Osborne Morgan) felt this so strongly that he said, that it would be necessary to re-enact some sort of a Church rate before these claims could be rendered perfectly equitable. But would it not be as well that the hon. and learned Member should bring in his Church Rate Bill before continuing to urge the present proposal? The Representatives of the Nonconformists should at least propose on their behalf, that they should do something for the maintenance of churchyards, before insisting upon this claim to a peculiar use of them. The hon. and learned Member, however, glanced at burial fees, forgetting that they were never applied to the maintenance of churchyards, but that these fees formed part of the income of the clergy. To seize the burial fees and to apply them to the purposes of Church rates would be simply to confiscate part of the income of the clergy. The Representatives of Nonconformity cannot come forward with clean hands to urge the proposals of this Bill, until they bring forward a measure showing their readiness to maintain the churchyards, in the

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use of which they claim to participate, not as parishioners, because their right as parishioners no one denies, but to participate as Nonconformists, who refuse to accept the parishioners' conditions, but insist on imposing new conditions of their own choosing—namely, the admission of any one belonging to any sect into the churchyard in order to perform any burial service or ceremony he may desire. Then the hon. Member for Merthyr Tydvil said—"We do not deny that we desire to disestablish the Church, but we assure you that we appear here to support a measure which is totally inconsistent with our primary object." The old saying *Fas est ab hoste doceri*, is often quoted; but the hon. Member must allow me to accept this advice with very considerable qualification. For what is the fact? The Church of England—and in saying the Church of England, I speak particularly of the laity—have no title to their churchyards, or to the fabrics of their Churches, different in its nature from the titles by which the Nonconformists hold their chapels. No congregation, and this I say in the presence of lawyers, can be distinguished except by the peculiar doctrines and ritual of that congregation; no Church can be known except by its distinctive doctrines and ritual, and without this recognition of doctrine or of ritual no religious body can be identified, and if it cannot be identified it cannot prove any title whatever to property of any kind. That is a position which no lawyer will dispute. Now, what does the principle of this Bill involve? The proposal is, that the churchyard shall no longer be held by any title that can be recognized through the character of the services performed within it; and does it not follow at once that the proposals of this Bill, which I believe to be founded upon a grievance that is greatly exaggerated; does it not follow, that the proposal of this Bill, if adopted, would strike down the title by which the great body of the Church of England, laity as well as clergy, hold their property in the churchyard? It is the habit of the Church of England and I believe it is the habit also of the Nonconformists, to perform a part of the Burial Service in the church or chapel, and a part at the grave. Well, can any one believe, if this Bill were to pass, that the next demand would not be—aye, as soon as the Bill had become law—

that Nonconformists should be admitted on equal terms with Churchmen to perform any service they might deem appropriate in the Church? Is it not clear that if this Bill passes, that the principle on which the title not only to the churchyard, but to the church is secured to the great body of the Church of England, must lapse? The hon. Gentleman, the Member for Merthyr Tydvil, who always speaks with great authority on the part of the Nonconformists, said, that he quarrels with the services of the Church of England because they exemplify an obsolete uniformity, and that uniformity is an invasion of liberty. Whose liberty is invaded by the uniform performance of the Burial Service? Clearly the liberty of the congregation, the liberty of the laity of the Church of England, is secured, by this uniformity. The hon. Gentleman has told us distinctly that he is not contented with that liberty, because the clergyman, according to the charitable doctrine of the Church of England, is bound to express a hope for the salvation of the departed person, without regard to his character during life; and the hon. Member claimed for the Nonconformist minister, whom he would admit to the churchyard, and claimed for the clergy also, the right to pronounce judgment on the dead. The hon. Member will perhaps recall his words; but it appeared to me so strange a thing to advance in the name of freedom and of toleration, that it sank deep into my mind. A claim put forward on behalf of ministers of religion for liberty to pronounce judgment on the dead, to that I most decidedly object. I adhere to the glorious and charitable doctrine of my Church, and I say that no true Churchman would wish to see any clergyman of the Church of England absolved from the obligation to express on the part of those who are present at, as well as of those who are absent from the funeral, the fervent, but the humble hope, that Almighty God may judge the departed more leniently than men are apt to judge. Let me not be told, then, that the Bill is to be passed in the name of toleration, or of freedom, or of charity. Thus interpreted, the Bill does little credit to the charitable feelings of those who advocate it. For my own part, I should be willing to vote for any Bill to secure the appropriation of proper sites

for graveyards for Nonconformists, which should be accessible in every parish. I am prepared to vote for any extension of the means of providing cemeteries, and in that way to meet the religious desires of my Nonconformist fellow-subjects; but I cannot shut my eyes to the fact that behind this Bill there lurks the intention to disestablish the Church of England. Upon that point I think the Nonconformist Conference, which was held two years ago, might be taken as some authority. It met at Manchester in 1872, and the second of its resolutions—

“Claims equal right for all citizens in national or parochial churches and burial-grounds; and while just regard is had to vested interests, the Conference protest against any exclusive privileges being accorded to any section of the community in the interment of the dead.”

The House will observe that in that resolution, the Conference coupled a claim to the unrestricted use of the Church with the claim now put forward to the use of the churchyard. Sir, I wish not to violate the great principle of equality before the law, and I say that I am willing to maintain for the Nonconformists an exclusive right in their own chapels and their graveyards; but I would warn them of this. Churchmen may reply to them by saying “If you are about to claim indiscriminately all the graveyards of the Church of England as national property in the sense in which you advance that claim, why should not we churchmen, in our turn, claim an equally free right over your graveyards?” Do you expect that you will escape from the application of this principle of confiscation to what you regard as your own? At the same Conference to which I have referred, another resolution was passed—

“That no amendment (of the marriage laws) can be satisfactory to Nonconformists which does not provide for the absolute equality of all citizens.”

Is there not equality already in the laws of marriage? Perfect equality. But what this resolution—taken with that which I have quoted—really means is, that Nonconformists claim that not only the burial services in the churchyards, but that the marriage services in the churches of the Church of England shall be performed in any manner they chose, and by any ministers they chose, and for this they seek opportunity by this Bill. Sir, there are many hon. Members

in this House who have not heard this question so often debated as some of us have; and I hope they will excuse me, therefore, for thus bringing before them the fact, that behind this ostensible and sentimental grievance, there lies the intention to deprive the Church of England of her property; and I cannot imagine upon what grounds we of the Church of England, who hold that property upon terms which have existed for centuries, can fairly be expected to yield our title and our right. We are willing to allow our Nonconformist brethren all the use of the churchyard that we can, short of abandoning our title. It is not fair thus to call upon us to concede to them our privileges, for which they have refused to pay; privileges which we do not possess in the use of property, now doubly our own by the passing of the Act which abolished Church rates, but to which until then Nonconformists and Churchmen alike contributed. I oppose this, because it would confer upon Nonconformists privileges which we cannot share, and which they refuse to share with us on equal terms.

MR. W. E. FORSTER said, it had been remarked that hon. Members on that side seemed to suppose that it was some new exclusion against which they were contending; but, for himself, he was quite aware that it was an old exclusion which was now the subject of complaint. It was one of those old exclusions which the hon. Member who had just spoken had vindicated ever since he entered that House, and would probably continue to vindicate as long as he sat there. The hon. Gentleman had alluded to the supposed inconsistency of the hon. and learned Member for Denbighshire (Mr. Osborne Morgan) in proposing such a measure after church rates had been abolished; but supposing the difficulty to be met, as it had been in Ireland, and if afterwards there was any reason to believe that the graveyards were not properly supported by the voluntary subscriptions of Churchmen and Dissenters, he did not believe there would be any practical difficulty in removing any inequality. The hon. Gentleman said the next thing the Dissenters would claim would be the right to enter the churches of the Church of England and hold their services there, and he had quoted resolutions of a Nonconformist

Mr. Newdegate

Conference in justification of that opinion. It was altogether beside the question to refer to these resolutions. As to the one about the marriage laws, it no doubt meant, not what the hon. Member supposed, but that Dissenting ministers, equally with the clergy of the Church of England, should have the power of registering marriages. The hon. and learned Gentleman the Member for Marylebone (Mr. Forsyth) had asked where were the Petitions in favour of the Bill, and had said that because there were no Petitions—or but few Petitions—there was no feeling in the country on the subject. He believed that the hon. and learned Member was wrong in his assumption, and he believed that the absence of Petitions did not augur favourably for the security of the Church, because the fact was, that many Nonconformists, who like himself were not prepared to destroy the Established Church, began to see that they would not be able to obtain this measure with the Conservative Party in power, until the Church was disestablished; and that they were therefore quietly waiting for that event to take place in order that they might get what they desired, considering that Petitions would be of little avail. He believed there were many Nonconformists, who were not sorry to see this grievance remain, because they felt that in the end, it would strengthen their hands in making an attack upon the Establishment itself. Let them consider the case of Wales. There was in that part of the United Kingdom a population of nearly 1,500,000, and he supposed no one would dispute that the large majority of the population was Nonconformist, and that, at all events, while there was resistance to such a reasonable Bill as the present they were likely to continue Nonconformist. It was all very well to talk of cemeteries, but a large majority of these Welsh Dissenters had as yet only one burial-ground, and that was the parish churchyard, and it was by no means answering the question to say that because there were cemeteries in Liverpool or other places, that people in Wales should not bury their relatives in the parish churchyard, unless they were prepared to agree to certain conditions, especially as all the Welsh had to do was to cross the Channel and go to Ireland, and they would see that in that country the diffi-

culty had been met. The fact was that 50 years ago the question had been arranged so far as Ireland was concerned by a Tory Government, and he would ask the Prime Minister to see whether he could not take a leaf out of Lord Liverpool's book with reference to this subject. If the present question was one in which party considerations were mixed up, he might say that the best thing which could happen for the Opposition side of the House was that the Bill should be rejected—rejected, moreover, with a simple and positive refusal to entertain any mode of meeting the difficulty. ["No!"] He had no hesitation in saying that, because most likely the constituents of hon. Members opposite would compare the manner in which the question was treated by the Conservative Party now, when they had a majority, with their attitude in regard to it five years ago under different circumstances. On that former occasion the right hon. Gentleman the present Secretary of State for War and the Home Secretary acknowledged the existence of the grievance, and expressed an anxiety to meet it, while unable to approve the particular measure which had been brought forward. But, judging by the speech of the hon. and learned Gentleman the Solicitor General. Government now met the complaints by a denial that there was a serious grievance, and by saying they saw no way of meeting what grievance did exist. It was quite within the power of the Government, if they did not approve the remedy now proposed, to bring forward a measure of their own, as their Predecessors had done in regard to Ireland; and perhaps it would be worth the while of the Solicitor General to read the eloquent speech delivered in favour of the Irish Bill by Mr. Plunkett, one of the Law Officers of Lord Liverpool's Government. Why could they not carry out in this country the same principle that had been applied to Scotland and Ireland? Objections had been raised as to the probability of there being crowds and disturbances, but surely all difficulties of that kind could be met in England as they had been in Ireland. No one doubted that if the Government took the matter in hand they would be able to find a satisfactory solution of the difficulty. The hon. and learned Member for Marylebone had asked why the feel-

ings of members of the Church of England should not be considered as well as those of Nonconformists; but surely the same consideration was not due to the feelings of those who were intolerant of religious services other than those to which they were accustomed, and to the feelings of persons who had either to allow their relations to be buried with a service which they did not approve, or to seek a burial place, at great expense, and, it might be, with great difficulty, in some other place. If it was a question of consulting the feelings of the majority it would probably be found that, in most cases, those feelings were on the side of the Dissenters. He could not think so ill of the men and women of the Church of England as to suppose they would be shocked by the proposed change. Besides, the hon. and learned Member should recollect that in Wales the majority of the people were Nonconformists, and laboured under a peculiar difficulty, owing to the fact that a third, or, at least, a fourth of the whole population were Baptists. Now, so long as any child of a Baptist was unbaptized, there was great risk of the feelings of the family being outraged by the clergyman refusing to allow the child to be buried. Indeed, if the fact came to the knowledge of the clergyman, he was bound by law to refuse burial; and, consequently, if the feelings of the inhabitants were consulted, no such system could be maintained in the Principality for another hour. He contended that, under such circumstances, they had no right to say to the inhabitants of Wales, You must not have your service conducted as you wish if you bury your dead in our graveyards. He believed, however, that the real reason why this measure was opposed was, that there was an idea that the Church Establishment would be endangered if the Bill was carried. He did not, however, believe that the Church would suffer in any way. The real power of the Church was the parochial system, and that system would be considerably weakened if numbers of people were year after year forced to do what was distasteful to them when they wished to bury their dead. In conclusion, he was sure that every attempt to maintain the position of the Church by exclusiveness injured that position, and that its real power would be increased by passing

such a Bill as the present, which would tend to remove the natural conviction in the minds of Nonconformists that the opposition to it was an attempt to maintain an exclusiveness which was contrary to the civilization of the age.

MR. ASSHETON CROSS said, he was glad to have heard the assurance of the right hon. Gentleman who had just sat down that, on his part, there was no wish to disturb the present relations between Church and State. He hoped that feeling was shared by a large number of the right hon. and hon. Gentlemen who sat on the same side of the House; for he felt certain that the more the country reflected on the question, the more emphatically it would recognize that the State gained much more from its connection with the Church, than the Church did from its connection with the State. He was glad, however, to find that the debate had been carried on—at least, so long as he had been in the House—without the customary allusions to clergymen, which had been indulged in on former occasions, who had acted injudiciously under the present law through a mistaken sense of what was their duty. He was glad to be able to say this, and he would remind the House that when the question was first brought before them by Sir Morton Peto, it was introduced in a very calm and deliberate manner, the grievance being simply and clearly stated. It was pointed out that by the Canon Law every parishioner had an absolute right to be interred in the churchyard of the parish, according, of course, to the ceremonies and rites of the Church of England; but that that rule was subject to three exceptions, having reference to persons who had been excommunicated, persons who had committed suicide, and persons who were unbaptized. The sole practical grievance related to the last of these exceptional classes. Now, it was well-known that the word “unbaptized,” did not refer merely to baptism according to the rites of the Church of England. It applied only to those who had not been baptized at all, and the present head of the Church of England had expressed an authoritative opinion which really took away the only grievance of which Sir Morton Peto had complained. The grievance now complained of was, however, totally different. It was demanded, in point of fact, that those who differed

Mr. W. E. Forster

from the Church of England should have greater privileges than those who belonged to it. The Nonconformists claimed as a right to be interred in the parish churchyard by their own minister and according to their own form of burial service. That was a right which did not belong to a member of the Church of England. He was bound to accept the services of the clergyman of the parish, although he might never have seen him, or although he might not like him. Now, it was contended that the Canon Law right of interment possessed by the parishioner rested upon the fact that the churchyards had been provided at the common expense of the parish. That, however, was not the case. Hon. Members who took that view forgot that Church rates had been abolished. Well, the very argument employed in favour of the abolition of Church rates was—“Why make us pay for the support of churches and graveyards which we do not use?” How then was it that they now came forward and made that demand about the graveyards, on the ground that they contributed towards their support. He did not deny that many people conscientiously believed in the grievance adverted to. He, for his own part, had always expressed his willingness to meet that grievance as far as it could be done practically. But he held that the remedy proposed by the Bill would meet the minimum of grievance with the maximum of irritation and annoyance throughout the country. The grievance, moreover, was a lessening one. It had been different in times when there were no cemeteries in the large towns; but now the number of cemeteries was rapidly increasing, and it must be remembered, in addition, that many parish graveyards had of late years been closed. We were wiser in sanitary matters than our ancestors, and the feeling now-a-days was that burial-grounds ought not to be attached to churches. Under these circumstances, the proper remedy for the grievance complained of would be the establishment of more cemeteries. It might be said that the burial-grounds of the Church of England were in a sense national property; but it must be remembered that there had been voluntary gifts of land for burial-grounds to the Church of England, and surely such gifts ought to be placed under no greater disadvan-

tage than similar gifts for cemeteries? He would only push this argument to the extent of asking whether Nonconformists would like to see the services of the Church of England, or of the Church of Rome, or of the Greek Church performed in their own burial-grounds. He had not heard a single Nonconformist say that he would approve such proceedings. That being so, was it strange that members of the Church of England should feel an objection to the performance of services other than their own in the parish churchyard, and should not some allowance be made to those who felt so? When the Nonconformists needed chapels, or ministers, or schools, there appeared to be no difficulty in providing them. Why, then, was it that not only in Wales, but in richer places, there were so very few burial-grounds attached to their chapels? The simple reason was, that the want of them was not felt. He believed, indeed, that there were not many Nonconformists who objected to the Burial Service of the Church of England. If the present measure was passed, it seemed to him that great annoyance and disturbance would be the inevitable result. It would be impossible to prevent the Nonconformists from making use of the church as well as the graveyard for their services. If a funeral service was conducted in the open air on a wet, stormy day, great discomfort would be suffered by those attending it, and the thing would be regarded as an outrage, and it was certain that as the result of such occurrences, the services would have to be allowed in the church. It had been said that no serious difficulties had been met in Ireland, and hon. Members had maintained that if the Bill was passed, the State Church would last all the longer for it; but did our experience in Ireland altogether bear out this argument? He, for one, did not feel inclined to look to the case of Ireland for any precedent in this matter. It must not be overlooked that the provisions of the Bill did not tend simply to the relief of Dissenters; but that they would practically disturb the whole of our ecclesiastical regulations as to burial. The effect of them would be that a man, whether a Dissenter or a member of the Church of England, would be at liberty to ask any clergyman or minister, or, in fact, anybody—

it might be the parish doctor—to conduct a burial service. Therefore, as he had said, they would really inflict under that Bill the maximum annoyance and irritation to relieve the minimum of grievance. He would be the last person to do a single thing that would make the Church of England the Church of a sect, and not the Church of the nation, and he was perfectly willing to meet the grievance, but not in the way pointed out in the Bill. If there was a grievance, let it be remedied in the way pointed out by himself and his right hon. Friend the Secretary of State for War in a former debate in a previous Session. He asked the House to have some regard for the conscientious feelings of members of the Church of England, and of that hard-working and devoted body of men, her clergy, whom he believed they could not more thoroughly wound and displease than by passing that Bill. The matter was one that touched most strongly the sentiments, feelings, and passions of the clergy of the Church of England, and also of a very large number of her lay members, and therefore, he would most heartily give his vote against the measure.

MR. BRIGHT: Sir, I find a difficulty in attempting to address the House for a few minutes on this question, because it seems to me that it neither demands nor admits of much argument. That, I confess, is a strange thing, perhaps, to say after listening to so much argument about it. But there are some questions which come before us, and which, it appears to me, are so simple—I am not speaking now as to the mode, but as to the principle—that I do not know how hon. Members are able to find so many arguments on the one side and on the other. In this case, a good many things are admitted. It is admitted that the parochial burial-ground is intended for the service of all the inhabitants of the parish—that all have a right to use it when their friends come to be buried. Generally, the parochial burial-ground has been created and maintained at the expense of the parish. ["No!"] I know what hon. Members would say; but, at any rate, up to the time of the abolition of church rates, the parochial burial-grounds were provided and supported by the parish. I presume that all the burial-grounds that were in ex-

istence before the passing of the Church Rate Abolition Act were established at the cost of the parish, and therefore now are—as they indeed all are by law—the property of the parish. I am sure, moreover, that hon. Gentlemen opposite know that, notwithstanding the repeal of church rates, there are thousands of Dissenters in this country who contribute voluntarily and constantly to the support both of churches and of parochial graveyards. Therefore, I have a right to say that the graveyards for the most part—I believe almost universally—are plots of ground in which the parishioners generally have a pecuniary interest. Well, it will be said that everybody has a right to be buried there, but only on certain conditions; that either he must have the service of the Established Church, or have no service at all, for that, I think, is the argument of hon. Gentlemen opposite. Now, it is quite open to persons to dissent if they like from the service of the Church of England, and about one-half the population of England and Wales have so dissented. They dissent—and I think that is a considerable matter when we are discussing this question—for various reasons. There are many grounds upon which men have dissented from the Church of England, the chief being that they have been brought up in Nonconformist principles by their families, and because all their associations are connected therewith. It is, therefore, quite reasonable to expect and understand that they should prefer at funerals not to have the Church of England Service, but that their own service or ceremonial should be adopted in its place. Well, if they think so, I should like to hear some reasonable argument why their opinions should not be complied with. But, on the other hand, you say that they should have no service at all. Yet you must admit there may be those who, from some cause or other, entirely dislike the Church of England Service, who are still of opinion that it is better to have some service, not for the sake of the dead—for I hope, indeed I believe, that no Nonconformist in this country is so superstitious as to believe in such a thing as that—but for the sake of the living and those who surround the grave. Now, why is it that you impose this test? You say the graveyard is the graveyard of the parish. Well, the body which is brought to

the parish graveyard is that of a parishioner whom only last week you held as a fellow-parishioner, and whom you met in your street, on his farm, or in his garden. He is brought to the graveyard, and his friends propose to bury him there. But you say—"No; he shall not come at all, except on certain conditions. First of all, he shall have read over him a service arranged some 200 or 300 years ago"—which I am willing to admit is very impressive and very beautiful; nobody, I think, denies that—but "he shall have this read over him, and nothing else; if he does not have this, he shall have nothing at all." I will not say he shall be buried like a dog. That is an expression founded on a miserable superstition. Why, in that sense, I shall be buried like a dog; and all those with whom I am best acquainted, whom I best love and esteem, shall also be buried like a dog. Nay, more, my own ancestors, who in past time suffered persecution for what is now held to be a righteous cause, have all been buried like dogs—if that phrase be true. Let me ask, then, that if one half the population hold these opinions, why is it that they should have this test imposed upon them? You have abolished tests for holding offices. It is not now necessary that a man should take the Sacrament according to the practice of the Church of England to undertake an office under the Crown. That test, I say, has been swept away. Why is it, then, when a man, or the body of a man, of one of the parishioners comes to your graveyard gate, and his friends ask that he may be there interred with decency and solemnity, that you say—"No, he shall not enter here and not be buried here,"—even although his family, his parents who have gone before him, and his children who have come after him and prematurely died before him lie there—"unless he has the service that we have prescribed, or unless he has no service at all;" and shall thus be buried in a manner of which his friends may not approve? I ask that question of hon. Gentlemen opposite. Why is it that you have abolished the test in so many other instances and that in this instance you adhere to it?—for it is no other than a test. I will take the case of my own sect and try to draw an argument from that. We have no baptism; we do not think it necessary. We have

no service—no ordered and stated service—over the dead. We do not think that necessary. But when a funeral occurs in my sect, the body is borne with as much decency and solemnity as in any other sect or in any other case to the grave side. The coffin is laid by the side of the grave. The family and friends and the mourners stand around, and they are given some time—no fixed time; it may be five minutes, or ten, or even longer—for that private and solemn meditation to which the grave invites even the most unthinking and the most frivolous. If anyone there feels it his duty to offer any word of exhortation, he is at liberty to offer it. If he feels that he can bow the knee and offer a prayer to Heaven, not for the dead, but for those who stand around the grave, for comfort for the widow or for succour and fatherly care for the fatherless children, that prayer is offered. Well, but if this were done in one of your graveyards—if, for example, such a thing were done there, and a member of my sect, or a Baptist, an Independent, or a Wesleyan came to be interred in one of your graveyards, and if some God-fearing and good man there spoke some word of exhortation, or on his knees offered a prayer to God, is there one of you on this side of the House or on that, or one of your clergymen, or any thoughtful and Christian man connected with your Church, who would dare in the sight of Heaven to condemn that, or to interfere with it by force of law? Why the proposition as reduced to a simple case like that is monstrous and intolerable, and I believe the time will come when men will never believe that such a thing could have been seriously discussed in the English House of Commons. Well, but what is wanted—I do not mean by the clauses and the details, but by the principle of this Bill? Why, that the Nonconformists of this country—the Independents, the Baptists, the Wesleyans, or the members of my sect—shall be permitted to enter the parochial graveyard and conduct not what is commonly called a service, but the ceremony of a funeral, in the way that I have described my sect as doing? Because, although with respect to us there is no stated and recognized, no written or printed, form, yet what does it signify whether it is written or printed, or is the extempore utterance of a full

heart on a solemn occasion of that kind? I say we are doing harm to the Church of England by maintaining this test. I say further, that very great benefit would be conferred on all that Christianity teaches if some such system as that recommended by the Bill were wisely adopted in this country. The right hon. Gentleman opposite (Mr. Cross) seems to think that a great grievance would arise, that the feelings of the ministers of the Church would be harassed. Well, no doubt, if men have feelings of that kind, nurtured by preference and monopoly, the time will come—it constantly comes—when those feelings will have to subside, or suffer something like discomfort. My right hon. Friend the Member for Bradford (Mr. W. E. Forster) has referred to the opinion of a distinguished lawyer and former Member of this House, some 50 years ago, as to the case of Ireland. What is the case of Scotland at this moment? I was down in Scotland last July, and I recollect particularly visiting a quiet little parish graveyard there at Lochnagar. I noticed a tomb erected in what I thought good taste. From the inscription on it I found it was the tomb of a minister who had been the minister of that parish before the Disruption of 1843. Well, after the Disruption—and the same thing is to be seen in many parishes in Scotland—the minister who seceded became the minister of a Free Church in the very same parish. At the end of his earthly career he is buried alongside of the very minister who succeeded him in the parish in which he was originally settled. In Scotland, I say, they know no difference of this kind. Somebody will get up and say, “Yes, but in Scotland they do not care about these things, because their ground is not”—what do they call it?—“is not consecrated?” But may I tell hon. Gentlemen opposite what is the course which the Church of Scotland takes with regard to the Episcopalian Church in that country? You have Scotch Bishops and Scotch clergy, and Scotchmen who are Episcopalians. Well, they are allowed to be buried in their churchyards, and your own burial service is constantly and regularly read over the bodies of Episcopalians in Presbyterian graveyards in Scotland. Now, I ask you if in Ireland 50 years ago it was thought necessary to abolish the exclusive system—if in Scotland, by the

liberality, I say, the Christian liberality and good feeling of the Scotch Presbyterians, Episcopalians are treated so liberally and justly in this matter, why is it that Presbyterians, if you like, in England, and Nonconformists generally, should have to appeal to some 400 Gentlemen in this House—all of whom, I presume, or the great bulk of whom, are members of the Established Church of England—for like toleration, or why it is that you should think it necessary to reject a Bill like this? The right hon. Gentleman the Home Secretary, as I understand him, does not object to the principle of the measure. He would be willing—for I have always noticed in him ever since he has sat in this House a certain liberality, which, I think, is rather in advance of some other feelings that I have seen evinced among his Friends—he, I say, is willing to adopt some principle of this kind, and, if possible, by some means that he thinks would perhaps be less hurtful to the feelings of Churchmen, he would assent to some measure having the effect which this one is intended to produce. I am sorry that in the course of his speech—having made that admission for which I give him credit—he did not indicate to us some mode by which he thought that could be accomplished; because if he could point out to us any reasonable method that would be at all satisfactory to those who appeal to you on this question, I feel sure the hon. and learned Member for Denbighshire would be delighted to give him all the help in his power, and would even withdraw his own measure and adopt the Government Bill, if it succeeded in doing that which the right hon. Gentleman proposes. I have only one other observation to make—I wish to speak to Churchmen on another point that bears on this subject. All the arguments, all the feelings that have been expressed to-day I have heard and seen expressed I think 20 times since I have been in Parliament on the question of church rates. You know how much you prophesied about the ill effect of abolishing church rates, and you also know how little your prophecies have been fulfilled. You know how greatly you feared that your churches would fall into decay, and that churchyards and everything connected with the Established Church would suffer. Well, I believe there never was a time since the

Mr. Bright

Church of England has existed in which your churches and churchyards were kept in such admirable order as they are at this moment. There never was a time when so many old churches were being repaired and rebuilt and so many new ones erected as has been the case since the day when nobody was compelled to subscribe for them. There is no doubt that the voluntary effort of the people—mainly, of course, of Churchmen—has done more for the Church than any law that Parliament could ever discuss or pass. And I would say to Churchmen—perhaps you think I cannot put myself in your position, but I think to some extent I can—I would say to you that if you were to deal with the Nonconformists of this country with more consideration and more condescension, with more of what I call Christian kindness and liberality in regard to matters of this sort, I suspect you would find that the strength of the Church would not be lessened, but increased; that the hostility with which, in many parts of the country, she is regarded would diminish; and that there would be a general subsidence of some of that animosity which must, I am afraid, to some extent prevail where there is a favoured and Established Church. It is a political question, as the church rate was a political question. Churchmen in the country, wherever you meet with them, do not discuss this subject as it is discussed in Parliament. They are more liberal than Parliament. Parliament is pledged. These questions are made questions of Party; and in questions of Party and in Party discussions I am afraid that sometimes common sense, often justice, and very often Christian thought and Christian liberality, are almost entirely forgotten. If we could once get rid of Party discussion, and could consider this matter as men—whether we be Nonconformists or Churchmen—anxious above all things for that kindness—that brotherly kindness and that peace which is inculcated upon us all alike by all the precepts of our common Christianity, I think we should have no difficulty in agreeing by a large majority to the Bill now before us.

MR. OSBORNE MORGAN said, after the eloquent speech to which the House had just listened, he would waive his right of reply.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 234; Noes 248: Majority 14.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for six months.

AYES.

Acland, Sir T. D.	Davies, R.
Adam, rt. hon. W. P.	Dilke, Sir C. W.
Allen, W. S.	Dillwyn, L. L.
Amory, Sir J. H.	Dixon, G.
Anderson, G.	Dodds, J.
Antrobus, Sir E.	Dodson, rt. hon. J. G.
Ashley, hon. E. M.	Downing, M ^c C.
Backhouse, E.	Duff, M. E. G.
Balfour, Sir G.	Dundas, J. C.
Barclay, A. C.	Earp, T.
Barclay, J. W.	Edwards, H.
Bass, A.	Egerton, Adm. hon. F.
Bass, M. T.	Ellice, E.
Bazley, Sir T.	Eyton, P. E.
Beaumont, Major F.	Fawcett, H.
Beaumont, W. B.	Ferguson, R.
Biddulph, M.	Fitzmaurice, Lord E.
Biggar, J. G.	Fitzwilliam, hon. C.
Blennerhassett, R. P.	W. W.
Bolckow, H. W. F.	Fletcher, I.
Brassey, T.	Foljambe, F. J. S.
Briggs, W. E.	Fordyce, W. D.
Bright, rt. hon. J.	Forster, Sir C.
Bristowe, S. B.	Forster, rt. hon. W. E.
Brocklehurst, W. C.	Fothergill, R.
Brogden, A.	French, hon. C.
Brooks, M.	Gladstone, rt. hn. W. E.
Brown, A. H.	Gladstone, W. H.
Browne, G. E.	Goldsmid, Sir F.
Burt, T.	Goldsmid, J.
Butt, I.	Goschen, rt. hon. G. J.
Cameron, C.	Gourley, E. T.
Campbell-Bannerman, H.	Gower, hon. E. F. L.
Carington, hn. Col. W.	Grey, Earl de
Carter, R. M.	Grieve, J. J.
Cartwright, W. C.	Gurney, rt. hon. R.
Cave, T.	Hamilton, Marq. of
Cavendish, Lord F. C.	Hankey, T.
Chadwick, D.	Harcourt, Sir W. V.
Childers, rt. hon. H.	Harrison, C.
Cholmeley, Sir H.	Harrison, J. F.
Clarke, J. C.	Hartington, Marq. of
Clifford, C. C.	Havelock, Sir H.
Clive, G.	Hayter, A. D.
Cole, H. T.	Herbert, H. A.
Collins, E.	Herschell, F.
Colman, J. J.	Hill, T. R.
Corbett, J.	Hodgson, K. D.
Corry, J. P.	Holms, J.
Cotes, C. C.	Holms, W.
Cowan, J.	Hopwood, C. H.
Cowen, J.	Horaman, rt. hon. E.
Crawford, J. S.	Howard, hon. C. W. G.
Cross, J. K.	Hughes, W. B.
Crossley, J.	Ingram, W. J.
Dalway, M. R.	Jackson, H. M.
Davie, Sir H. R. F.	James, Sir H.
Davies, D.	James, W. H.
	Jenkins, D. J.

Johnstone, Sir H.
 Kay - Shuttleworth,
 U. J.
 Kensington, Lord
 Kinnaid, hon. A. F.
 Lambert, N. G.
 Laverton, A.
 Lawrence, Sir J. C.
 Lawson, Sir W.
 Leatham, E. A.
 Leeman, G.
 Lefevre, G. J. S.
 Leith, J. F.
 Lewis, C. E.
 Lloyd, M.
 Locke, J.
 Lorne, Marquess of
 Lowe, rt. hon. R.
 Lubbock, Sir J.
 Lush, Dr.
 Lusk, Sir A.
 MacCarthy, J. G.
 Macdonald, A.
 Macduff, Viscount
 Macgregor, D.
 Mackintosh, C. F.
 M'Arthur, A.
 M'Arthur, W.
 M'Kenna, Sir J. N.
 M'Lagan, P.
 M'Laren, D.
 Maitland, J.
 Marjoribanks, Sir D. C.
 Marling, S. S.
 Martin, P.
 Massey, rt. hon. W. N.
 Matheson, A.
 Maxwell, Sir W. S.
 Milbank, F. A.
 Monck, Sir A. E.
 Monk, C. J.
 Morley, S.
 Mundella, A. J.
 Muntz, P. H.
 Mure, Colonel
 Murphy, N. D.
 Nevill, C. W.
 Noel, E.
 Nolan, Captain
 Norwood, C. M.
 O'Brien, Sir P.
 O'Byrne, W. R.
 O'Connor Don, The
 O'Gorman, P.
 O'Reilly, M.
 O'Sullivan, W. H.
 Palmer, C. M.
 Pease, J. W.
 Peel, A. W.
 Pender, J.
 Pennington, F.
 Perkins, Sir F.

Philips, R. N.
 Playfair, rt. hon. L.
 Plimsoll, S.
 Potter, T. B.
 Power, J. O'C.
 Power, R.
 Price, W. E.
 Ralli, P.
 Ramsay, J.
 Rathbone, W.
 Reed, E. J.
 Richard, H.
 Robertson, H.
 Roebuck, J. A.
 Ronayne, J. P.
 Rothschild, N. M. de
 Russell, Lord A.
 St. Aubyn, Sir J.
 Samuda, J. D'A.
 Samuelson, B.
 Seely, C.
 Shaw, R.
 Shaw, W.
 Sherriff, A. C.
 Simon, Mr. Serjeant
 Sinclair, Sir J. G. T.
 Smith, E.
 Smyth, R.
 Stapcoole, W.
 Stafford, Marquess of
 Stansfeld, rt. hon. J.
 Stevenson, J. C.
 Stuart, Colonel
 Sullivan, A. M.
 Swanston, A.
 Taylor, D.
 Taylor, P. A.
 Temple, rt. hon. W.
 Cowper-
 Tillett, J. H.
 Torrens, W. T. M'C.
 Tracy, hon. C. R. D.
 Hanbury-
 Trevelyan, G. O.
 Villiers, rt. hon. C. P.
 Vivian, A. P.
 Vivian, H. H.
 Waddy, S. D.
 Walsh, hon. A.
 Walter, J.
 Waterlow, Sir S. H.
 Watkin, Sir E. W.
 Weguelin, T. M.
 Whalley, G. H.
 Williams, W.
 Wilson, C.
 Wilson, Sir M.
 Yeaman, J.
 Young, A. W.

TELLERS.

Martin, P. W.
 Morgan, G. O.

NOES.

Adderley, rt. hn. Sir C.
 Alexander, Colonel
 Allen, Major
 Allsopp, H.
 Arkwright, A. P.
 Arkwright, F.
 Arkwright, R.
 Ashbury, J. L.

Bagge, Sir W.
 Balfour, A. J.
 Baring, T. C.
 Barrington, Viscount
 Barttelot, Colonel
 Bates, E.
 Bateson, Sir T.
 Bathurst, A. A.

Beach, rt. hn. Sir M. H.
 Beach, W. W. B.
 Bentinck, G. C.
 Bentinck, G. W. P.
 Beresford, Colonel M.
 Birley, H.
 Boord, T. W.
 Bourke, hon. R.
 Bright, R.
 Broadley, W. H. H.
 Brooks, W. C.
 Bruce, hon. T.
 Brymer, W. E.
 Buckley, Sir E.
 Bulwer, J. R.
 Burrell, Sir P.
 Butler-Johnstone, H. A.
 Buxton, Sir R. J.
 Callender, W. R.
 Cameron, D.
 Campbell, C.
 Cartwright, F.
 Cawley, C. E.
 Cecil, Lord E. H. B. G.
 Chaplin, Colonel E.
 Chapman, J.
 Charley, W. T.
 Clifton, T. H.
 Clive, Col. hon. G. W.
 Close, M. C.
 Clowes, S. W.
 Cobbett, J. M.
 Cobbold, J. P.
 Cochrane, A. D. W. R. B.
 Cole, Col. hon. H. A.
 Coope, O. E.
 Cordes, T.
 Cotton, Alderman
 Cross, rt. hon. R. A.
 Cubitt, G.
 Cust, H. C.
 Dalkeith, Earl of
 Davenport, W. B.
 Deakin, J. H.
 Denison, C. B.
 Denison, W. E.
 Dick, F.
 Dickson, Major A. G.
 Disraeli, rt. hon. B.
 Dyke, W. H.
 Dyott, Colonel R.
 Eaton, H. W.
 Edmonstone, Admiral
 Sir W.
 Egerton, hon. A. F.
 Egerton, Sir P. H. G.
 Egerton, hon. W.
 Elliot, Sir G.
 Elphinstone, Sir J. D. H.
 Emlyn, Viscount
 Ealington, Lord
 Estcourt, G. B.
 Fellowes, E.
 Fielden, J.
 Finch, G. H.
 FitzGerald, rt. hn. Sir S.
 Floyer, J.
 Folkestone, Viscount
 Forester, C. T. W.
 Forsyth, W.
 Foster, W. H.
 Fraser, Sir W. A.
 Gallwey, Sir W. P.

Gardner, J. T. Agg-
 Garnier, J. C.
 Gibson, E.
 Gilpin, Colonel
 Goddard, A. L.
 Gordon, W.
 Gore, J. R. O.
 Gore, W. R. O.
 Gorst, J. E.
 Grantham, W.
 Gregory, G. B.
 Hall, A. W.
 Halsey, T. F.
 Hamilton, Lord C. J.
 Hamilton, Lord G.
 Hanbury, R. W.
 Hardcastle, E.
 Hardy, J. S.
 Hay, rt. hon. Sir J. C. D.
 Heath, R.
 Henley, rt. hon. J. W.
 Hermon, E.
 Hervey, Lord A. H.
 Hervey, Lord F.
 Hick, J.
 Hildyard, T. B. T.
 Hill, A. S.
 Hodgson, W. N.
 Hogg, Sir J. M.
 Holford, J. P. G.
 Holker, Sir J.
 Holland, Sir H. T.
 Holmesdale, Viscount
 Holt, J. M.
 Home, Captain
 Hood, Captain hon. A.
 W. A. N.
 Hope, A. J. B. B.
 Hubbard, rt. hon. J.
 Hunt, rt. hon. G. W.
 Isaac, S.
 Jervis, Colonel
 Johnson, J. G.
 Jones, J.
 Kennard, Colonel
 Kennaway, Sir J. H.
 Knight, F. W.
 Knightley, Sir R.
 Knowles, T.
 Lacon, Sir E. H. K.
 Lee, Major V.
 Legard, Sir C.
 Legh, W. J.
 Lennox, Lord H. G.
 Lindsay, Col. R. L.
 Lloyd, S.
 Lloyd, T. E.
 Lopes, H. C.
 Lopes, Sir M.
 Lowther, hon. W.
 Lowther, J.
 Mahon, Viscount
 Majendie, L. A.
 Makina, Colonel
 Malcolm, J. W.
 Mannors, rt. hn. Lord J.
 March, Earl of
 Mellor, T. W.
 Merewether, C. G.
 Mills, A.
 Mills, Sir C. H.
 Monckton, F.
 Monckton, hon. G.

Mowbray, rt. hn. J. R.	Smith, A.
Muncaster, Lord	Smith, F. C.
Naghten, Col. A. R.	Smith, S. G.
Neville-Grenville, R.	Smith, W. H.
Newdegate, C. N.	Somerset, Lord H. R. C.
Newport, Viscount	Spinks, Mr. Serjeant
Noel, rt. hon. G. J.	Stanhope, hon. E.
North, Colonel	Stanhope, W. T. W. S.
Northcote, rt. hon. Sir	Stanley, hon. F.
S. H.	Starkey, L. R.
Onalow, D.	Starkie, J. P. C.
Paget, R. H.	Steere, L.
Palk, Sir L.	Storer, G.
Parker, Lt.-Col. W.	Sturt, H. G.
Patehall, E.	Sykes, C.
Peck, Sir H. W.	Talbot, J. G.
Pelly, Sir H. C.	Taylor, rt. hon. Col.
Pemberton, E. L.	Tennant, R.
Peplow, Major	Thynne, Lord H. F.
Percy, Earl	Tollemache, W. F.
Phipps, P.	Torr, J.
Plunket, hon. D. R.	Tremayne, J.
Polhill-Turner, Capt.	Turnor, E.
Powell, W.	Twells, P.
Praed, C. T.	Walker, T. E.
Price, Captain	Wallace, Sir R.
Read, C. S.	Walpole, hon. F.
Rendlesham, Lord	Walpole, rt. hon. S.
Repton, G. W.	Welby, W. E.
Ridley, M. W.	Wellealey, Captain
Ritchie, C. T.	Wells, E.
Rodwell, B. B. H.	Wethered, T. O.
Russell, Sir C.	Williams, Sir F. M.
Ryder, G. R.	Wilmot, Sir H.
Sackville, S. G. S.	Wilmot, Sir J. E.
Salt, T.	Winn, R.
Sanderson, T. K.	Wolff, Sir H. D.
Sandford, G. M. W.	Woodd, B. T.
Sandon, Viscount	Wyndham, hon. P.
Sclater-Booth, rt. hn. G.	Wynn, C. W. W.
Scott, Lord H.	Yarmouth, Earl of
Scott, M. D.	Yorke, hon. E.
Scourfield, J. H.	Yorke, J. R.
Shirley, S. E.	
Shute, General	
Sidebottom, T. H.	

IMPRISONMENT FOR DEBT (NO. 2) BILL.

On Motion of Mr. JOSHUA FIELDEN, Bill for the abolition of the power of Imprisonment for Debt by the Inferior Courts, *ordered* to be brought in by Mr. JOSHUA FIELDEN, Mr. THOMAS BASS, Mr. COBBETT, and Mr. ANDERSON.

Bill *presented*, and read the first time. [Bill 134.]

NEWSPAPERS REGISTRATION BILL.

On Motion of Mr. WADDY, Bill to provide for the Registration of Newspapers and Periodical Publications, and of the names of the proprietors, editors, and printers thereof, *ordered* to be brought in by Mr. WADDY and Mr. EDWARD JENKINS.

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, 22nd April, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Bankruptcy (Scotland) Law Amendment* (62).

Second Reading—County Courts* (57); Local Government Board's Provisional Orders Confirmation* (53); Public Health (Scotland) Provisional Order Confirmation* (54).

Committee—Agricultural Holdings (England) (39-63).

Royal Assent—Mutiny [38 *Vict.* c. 7]; Marine Mutiny [38 *Vict.* c. 8]; Building Societies Act (1874) Amendment [38 *Vict.* c. 9]; Local Government Board (Ireland) Provisional Orders Confirmation [38 *Vict.* c. ii.]

AGRICULTURAL HOLDINGS (ENGLAND)

BILL—(No. 39.)

(The Lord President.)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

THE DUKE OF RUTLAND said, that as he had no opportunity on a previous occasion he begged to be allowed to make a few observations upon the general scope and principles of the measure. He regarded the Bill as an honest attempt on the part of his noble Friend who had charge of it to settle a very difficult and important question. He concurred with the noble Earl who spoke on a former occasion (the Earl of Airlie) that his noble Friend was right in upholding the principle of freedom of contract as between landlord and tenant; but many of their friends out-of-doors thought that instead of being permissive the Bill ought to be compulsory. But that idea, he thought, was based on a mistake. It was a great mistake to imagine that the interests of the landlord were contradictory to those of the tenant. It was quite as much to the advantage of the landlord as it was to the tenant that the land should be cultivated in the best possible manner, and that the largest amount of capital should be invested in the land, and that the tenant should have security for the capital he invested. Again, there were those out-of-doors who looked with alarm at this Bill because they thought it likely to introduce "the thin edge of the wedge." He thought that was a baseless fear. The people of this country were sufficiently intelligent to know well that there ought to be free-

dom of contract between landlord and tenant, and that consequently landlords and tenants should not be compelled to come in under this Bill. The noble Duke opposite (the Duke of Somerset) was, he thought, rather hard upon the farmers of England. He said, when the Corn Laws were repealed they showed no great desire to increase the food of the people, but now they were extremely anxious for a Tenant Right Bill to pass, in order to add to the quantity of food. Now, he (the Duke of Rutland) believed the farmers of England were quite as patriotic as any other class of men, and were just as capable of taking large, enlightened, and patriotic views of any question that came before them; and he would remind the noble Duke, when he told them that 600,000 acres had been laid down in permanent pasture, that the main argument used by those who supported the Corn Laws was that that very thing would happen, and that they might, in case of war, be dependent on the Power they were at war with, for their food. A perfect Bill was what no one had a right to expect, for everyone was aware that no possible Bill could be introduced that would be perfectly satisfactory to both sides; but this Bill he thought was as good a one as could be had. There were two points, however, in the measure respecting which he entertained objections. First, he thought that the drainage of land should be put in the second class of improvements instead of in the first class. Next, he thought that the year's notice proposed by the Bill was objectionable. He did not see of what advantage it could be to the tenant, while it might be a great disadvantage to the landlord. In many cases it would amount to practically two years' notice. He was sorry to say that one of his own tenants had become insolvent. He could not give that tenant notice till next Lady Day, so that he would not be obliged to quit till Lady Day, 1877. In the meantime, the tenant might exhaust the land so as to get all he could out of it. He might be told that as landlord he could claim compensation if the tenant acted in that way. But how was he to recover payment and compensation from an insolvent tenant? Excepting these points he thought the Bill satisfactory.

House in Committee accordingly.

Clauses 1 to 4 agreed to.

The Duke of Rutland

Preliminary.

Tenants' Compensations for Improvements.

Clause 5 ('Tenants' title to compensation.)

THE EARL OF KIMBERLEY inquired whether its provisions were to be retrospective?

THE DUKE OF RICHMOND replied that decidedly the intention of the Government was that they were to be prospective only; and the 16th clause provided that neither landlord nor tenant should be entitled to compensation unless three months before the determination of the tenancy he gave notice to the other of his intention to claim compensation. This showed that it did not apply to anything done before the passing of this Act.

THE EARL OF KIMBERLEY said, that the provision requiring such a notice was not in the original draft of the Bill.

THE EARL OF PORTSMOUTH pointed out that it often happened that in the matter of drainage the landlord cut the drains and the tenant built them, and in other ways the tenant was assisted by the landlord by materials and by money in the case of temporary buildings. There ought therefore to be some words inserted to meet such cases.

THE DUKE OF SOMERSET submitted that the words "adding to the letting value thereof" were objectionable, and he would move that they be struck out. It might be that an improvement was a valuable one, though from circumstances with which the tenant had nothing to do, the letting value of the farm was not improved in the sense of a higher rent being obtained for it. He moved, as an Amendment, the omission of those words.

THE DUKE OF RICHMOND said, he would be willing to consider the suggestion of the noble Earl when they came to consider the 6th clause. He was sorry he could not agree to the Amendment of the noble Duke. The principle that the improvements for which compensation was to be paid should add to the letting value of the holding was that from which the Government started in the framing of the Bill. First of all, by the clause now under consideration, where the tenant executed an improvement which added to the letting value, he should be entitled on the termination of his tenancy to compensation for the improvement—in other words, the tenant

received compensation for an unexhausted improvement. This was the keystone of the Bill. Then came Clause 6, which defined by classes the improvements for which compensation was to be allowed; and that was followed by a clause defining what the amount of the tenant's compensation was to be. If the tenant laid out money on the land which would result in making the farm one which would let for a better rent—when his improvements added to the letting value of the land—he would be entitled to compensation if his tenancy was not sufficiently long to enable him to recoup himself for his outlay in the improvements. On the other hand, if the improvement did not add to the letting value, the tenant could not be compensated under this Bill. He hoped their Lordships would keep Clause 5 as it stood.

THE EARL OF MORLEY thought the noble Duke had overlooked this consideration—that though the improvement might be a valuable one *per se*, yet other causes might operate to decrease the letting value of the farm, and in this case the tenant would not be entitled to compensation. He thought that a certain ambiguity would present itself in respect of the third class of improvements, which were the application to land of purchased artificial or other manure, and consumption by cattle or sheep or pigs of corn, cake, or other feeding stuff. He did not see how these added to the letting value of the farm. If any unexhausted good was left from such sources the succeeding tenant, not the landlord, would have the benefit.

THE DUKE OF RICHMOND apprehended that such an improvement as his noble Friend had suggested in the opening portion of his remarks would come within the Bill. As to the third class of improvements, there was an inconvenience in discussing a clause which was not before their Lordships, and the classes of improvements were provided for in Clause 6; but in reply to his noble Friend he was willing to introduce a proviso to the effect that all improvements of the third class should be deemed to be unexhausted if no crop of corn or potatoes had been taken off the land after the manure had been applied. As everyone knew, there would then be nothing left.

VISCOUNT HALIFAX observed, that what would come within the third class

was rather an improvement to keep the farm precisely as it was—to prevent it from deteriorating—than one which would add to the letting value of the land. Artificial manures did not add to the letting value of a farm. He thought, therefore, that Clause 5 ought to be restricted to the first and second classes of improvements.

LORD CARLINGFORD thought the Government were quite right in adhering to the words which the noble Duke (the Duke of Somerset) proposed to strike out. Even though the land would not let at a higher rent, the particular improvement might have increased the value of the land on which it had been effected. Whether it did or did not was a matter which could be ascertained without reference to the rent at which the farm, as a whole, could be let.

THE EARL OF AIRLIE thought the Government were quite right in maintaining that anything which contributed to the preservation of the land contributed to its letting value.

THE EARL OF DERBY said, the question was not whether the improvement had increased the rent, but whether, if it had not been effected, the letting value of the land would have been as great.

LORD HAMPTON hoped his noble Friend (the Duke of Richmond) would re-consider this matter, because he thought that the words which the noble Duke (the Duke of Somerset) proposed to strike out would lead to litigation.

THE MARQUESS OF BATH was of opinion that those words were of vital importance, and he therefore opposed their omission.

THE DUKE OF RICHMOND said, that some of the objections urged against the words of the clause now under consideration might be ground for modifying Clause 7, which defined the amount of compensation; and when the latter clause came on for discussion he would propose an Amendment in its terms to meet those objections; but Clause 5 was the keystone of the structure of the Bill, and he could neither assent to the Amendment nor promise to re-consider the matter.

THE DUKE OF SOMERSET said, that the words to which the noble Duke (the Duke of Richmond) attached so much importance were scarcely just to the tenant. The Bill required the consent

of the landlord to the execution of any improvement for which compensation was to be claimed. Supposing the tenant spent £1,000 on drainage which turned out to be a failure and did not add to the letting value of the land, ought the whole loss to fall on the tenant, though the expenditure was one to which the landlord had given his consent?

THE DUKE OF RICHMOND thought that in the case just suggested the matter was one of covenant between landlord and tenant. If the latter entered into a bad speculation, was he to turn round and ask the landlord to pay for it?

THE EARL OF KIMBERLEY, while approving the determination of the Government to adhere to the words which the noble Duke (the Duke of Somerset) proposed to expunge, thought at the same time that the difficulty just suggested by that noble Duke was one which was well worthy of consideration. In the county of Norfolk a body of gentlemen, among whom were Lord Leicester and Mr. Clare Read, drew up a document in which it was stated that—

“No case has been made out for compensation for any outlay which is not suitable to the holding and calculated to increase the letting value unless it be made with the written consent of the landlord.”

This last qualification was an important one. Within his own personal experience as a landlord there had occurred a case which illustrated the point. A tenant of his undertook some drainage with his consent, and, after having consulted and obtained the advice of the best authorities, the work turned out a failure. It would have been rather hard on the tenant to have had to bear the loss, seeing that it had been executed under such circumstances. That case was not sufficiently provided for under the Bill.

THE MARQUESS OF SALISBURY reminded their Lordships of the power to charge compensations on the estate which this Bill would confer on limited owners. He thought such compensation ought to be charged on the land, not on the landlord. This must be considered when they came to the question of paying for such improvements as that just referred to by his noble Friend.

THE DUKE OF SOMERSET said, he would not press his Amendment.

The Duke of Somerset

Amendment (by leave of the Committee) *withdrawn*.

THE EARL OF AIRLIE said, that in consequence of the Amendment which the noble Duke (the Duke of Richmond) had promised to propose on Clause 7, he would not propose the Amendment on Clause 5 of which he had given Notice.

THE EARL OF AIRLIE moved an Amendment that the compensation should be limited to the amount laid out by the tenant.

THE DUKE OF RICHMOND said, he would accept his noble Friend's suggestion; but the proper place for the insertion of the words of the Amendment would be in the 7th clause.

THE DUKE OF ARGYLL said, that before the clause was agreed to he wished to make a few remarks. The plan of the Bill appeared to be this—it set out in this clause a general principle with respect to compensation for improvements, which, when they passed that clause, their Lordships would affirm. The Bill then went on to limit the application of that principle of compensation in various ways. It was most important, therefore, that their Lordships should look carefully to the wording of Clause 5, this clause being, as it were, the standard raised by the Government, and under which the provisions of the Bill were to be carried out. In considering the question of tenant-right there were several matters which ought to be borne in mind. First, the improvements should be real and such as to add to the value of the land; secondly, they should not be made in pursuance of any agreement with the landlord; thirdly, they should not be, directly or indirectly, for valuable consideration received; and, fourthly, that the tenant had not already been recouped his outlay, either by length of occupation or by cheapness of rent. These were four limitations upon the right and equity of compensation for improvements which so far were fully admitted, and which were fully admitted even in the case of the Irish Land Act. But this clause alluded to one only of these limitations—and that was that the improvement should be really effectual and really add to the letting value of the land. He asked whether it was wise to put into the Bill a sweeping assertion of right which went far beyond the obvious and admitted equities of the

case? The Government Bill had the character of a general proposition, and then they were obliged afterwards to insert limitations which appeared inconsistent with the proposition. He ventured to suggest that if not now, at least on the Report, their Lordships would endeavour to import into this clause words which should cover the limitations to which he referred. He had not put down an Amendment because long experience had convinced him of the difficulty an independent Member found in effecting consistent improvements in a Bill introduced by another. They had imported the words into the Bill of "adding to the letting value." That, in the first place, meant adding to the profit of the tenant. Let them look at the clause in this light. "When a tenant executes on his holding improvements adding to his own profit he shall be compensated." And this was what the Government asked the House to affirm. No precaution had been taken with regard to cases where the tenants were allowed to sit in their holdings at prices far below the market value of their farms, and where they had long since been recouped for the improvements they carried out. He might illustrate that by a case within his experience. Some years ago a friend of his purchased a property in a picturesque but rather sleepy English county. He paid a high price for the estate, and he found that most of the tenants were sitting at rents much below the market value. He informed them that he had the best means of knowing that they enjoyed a large percentage for their money—that whereas his return was about 2 per cent, from information he received, their return was from 20 to 25 per cent, and that, under these circumstances, he asked them to advance the rents. Most of them said—"You think our rents are low; we think, on the contrary, we are sitting at the average rent of our neighbourhood, and we cannot advance our rents." The landlord said he was sorry, but he must put the farms to competition and test what other farmers would give. The result was that a considerable number of the tenants were themselves the highest bidders for their farms. What did the House think turned out to be the preference rent at which the tenants had been sitting and in respect of which they might well have executed the most

costly improvements? They had been sitting at a preference rent of between 50 and 70 per cent. This might be an extreme case, but he was certain that in many parts of England where tenants were sitting at a very low preference rent, out of those preference rents they were well compensated for any improvements they made. Now under this Bill these tenants might make large claims for improvements, for nothing was said in the Bill on the point. It was announced that although this Bill referred only to England, it was to be followed by another Bill applicable to Scotland. One of the limitations admitted by the advocates of tenant-right was this—that improvements which were to be compensated for should not be improvements done in virtue of a contract or in fulfilment of any other understanding. He ventured to affirm this—that all improvements made by tenants holding under leases were improvements made in virtue of a contract; and it was preposterous that a man should make a clear and distinct bargain with another, taking a farm for a particular rent, and then, not satisfied with the profit which that rent would give him in the exercise of his legitimate occupation, that he should demand at the end of the lease additional compensation. He laid down the principle generally that this clause was not a clause which in principle ought to be extended to leases at all unless the improvements done were of an extraordinary nature. Each party ought to be kept to his own bargain. The clause affirmed a principle of compensation for improvements in terms dangerously, inequitably, wide and sweeping, and he suggested they should introduce into it words to the effect that they recognized this right on the part of the tenant only where he had not been otherwise remunerated for the improvements.

THE LORD CHANCELLOR said, that the greater part of the speech of the noble Duke (the Duke of Argyll) had been a criticism on the wording of this particular clause—a criticism which might have been rendered unnecessary by the proposal of seven additional words. Every person who admitted the idea of compensation for improvements was agreed that such compensation ought to be guarded and qualified by various conditions—such as lowness of rent, length of occupation, and the question

as to whether compensation had been already given in some other way for the improvements. He and those around him were perfectly agreed upon the propriety of these conditions; but he demurred to the course suggested by the noble Duke—for his criticism amounted to this—"At the beginning of the Bill, when you first enact that there shall be compensation, before you put a full stop at the end of the fifth section, you ought to enumerate in it every one of your qualifications and conditions, for if you leave one of them out the clause will hereafter be cited as a proof that you have admitted the principle of compensation without any qualification whatever." He put it to their Lordships whether this was not the effect of three-fourths of the noble Duke's speech. For his own part, he believed that one of the main causes of obscurity in Acts of Parliament was the attempting to express in one long sentence, running perhaps to a page or a page and a-half, a large number of qualifications. You must take an Act of Parliament by steps and go from clause to clause, and no one had a right to take one of a fasciculus of clauses and to maintain that it expressed Parliamentary approval of a general principle, unmodified and uncontrolled by anything that came after. Still, if the noble Duke wished to make the clause more guarded and more clear, it would only be necessary to introduce after "entitled" the words "subject to the provisions of this Act." Every modification and qualification would be thereby introduced into the section. He could not agree with the noble Duke in the other matter he referred to. The noble Duke said it was utterly repugnant to the idea of a lease that there should be engrafted in it any such provisions for compensation as were contained in this Bill. If it were meant that it was repugnant to the leases now in existence, he quite agreed with the noble Duke, because the Bill carefully guarded against affecting in any way any lease now in operation. But it would not be repugnant to the idea of a lease which might be made hereafter if the two parties to it agreed that these were proper provisions to insert, and that they would accept the offer contained in the Act of Parliament. If the parties did not like the provisions, they need not introduce them into the contract.

The Lord Chancellor

THE EARL OF KIMBERLEY concurred to a great extent in what had been said by the noble and learned Lord in regard to leases. The object of this and kindred enactments was to offer to the tenant an inducement to keep up his good farming to the last moment of his occupation; and of course this object applied as much to leases as to yearly agreements. It was because Nature did not permit a tenant—especially in the case of high farming—to reap the whole benefit of his outlay before the termination of his tenancy that it became desirable to provide machinery by which to give him compensation. He thought a lease ought to be combined with a Bill of this kind, for under the present system, without the slightest dishonesty or unfairness, a tenant who farmed very high would, in the last three or four years of his tenancy, let his farm down from the high pitch of cultivation to which he had previously brought it.

LORD CARLINGFORD thought that nearly all the conditions and safeguards which the noble Duke (the Duke of Argyll) desired to see introduced into this clause were covered by and included in the general power of making agreements which the Bill was intended to confer. Perhaps an exception should be made of the question the noble Duke raised as to general lowness of rent distinct from low rent in consideration of improvements to be made by the tenant. For that he only knew one remedy, and that a simple one—when a landlord believed his rents to be unreasonably low he ought to raise them.

Clause, as amended, *agreed to.*

Clause 6 (Description and three classes of improvements).

LORD HENNIKER moved an Amendment that the classes of improvements should be four, instead of three, as proposed in the clause, and for that purpose proposed a re-arrangement of the classes, and, also, a small addition thereto. The object of his Amendment was to make a juster arrangement than that contained in the clause in respect of the number of years during which an improvement should be deemed to be unexhausted. The Bill should lay down, at all events, a model agreement, and the classes, as they stood, allowed more than could be adopted in some cases; draining, for instance, should not be

allowed for for more than 12 years, as a rule, and so on. The alteration was not very great, but he believed it would be of use. The first class would provide, under his Amendment, for compensation over 20 years, the second over 12 years, the third over seven years, and the fourth over one year only—namely, for the last year of the tenancy. It was very important that corn produced on the farm, or rather producible on the farm, and so producible in the neighbourhood, should not be allowed for in the fourth class.

Amendment *moved*, in page 2, line 11, leave out (“three”) and insert (“four”); line 13, after (“Act”) omit to end of clause and insert:—

FIRST CLASS.

Erection or enlargement of buildings.	Planting of orchards.
Making of gardens.	Reclamation of waste land.
Making or improving of roads or bridges.	Warping of land.
Making or improving of watercourses, ponds, wells, or reservoirs.	Construction of works for the supply of water for the purposes of a farm or farmhouse.

SECOND CLASS.

The drainage of land.	Making and planting of ozier beds.
Making and protecting of new fences.	Planting of hops.
Laying down of permanent pastures.	

THIRD CLASS.

Boning of pasture land with undissolved bones.	Clay burning.
Chalking of land.	Claying of land.
	Liming of land.
	Marling of land.

FOURTH CLASS.

Application to land of purchased, artificial or other manure used for any green crop consumed on the farm.	Consumption on the farm of any cake and purchased corn of any description not producible on the farm, or other feeding stuffs of manurial value.
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THE DUKE OF RICHMOND said, he regretted that he differed from his noble Friend, who had paid great attention to this matter. In the first place, he preferred three classes to four, because the fewer the classes were the simpler would be the operation of the Bill. In the next

place, the difference between the classes proposed by the Amendment of his noble Friend and the arrangement of classes in the clause was infinitesimally small. He opposed the proposition of the noble Lord mainly on the ground that it was unnecessary. Improvements coming under Class 1, as defined in the Bill, would include all the improvements set forth in the noble Lord's Classes 1 and 2, and as the period of exhaustion under the first class would extend over 20 years, it would be perfectly possible for landlords and tenants, by mutual agreements, to make any new limit within the maximum of 20 years which they might think desirable.

THE DUKE OF CLEVELAND made a few remarks, which were not heard.

THE EARL OF KIMBERLEY was glad the noble Duke proposed to retain the classification as proposed in the Bill. No doubt there were difficulties, but the lesser evil would be to leave the arrangement of the Government alone.

THE MARQUESS OF SALISBURY thought it would be hard to prevent landlords and tenants adopting varying time limits in accordance with the different conditions existing in different parts of the country. All that could reasonably be done was to lay down a rule which was likely to be applicable to as many cases as possible.

On Question? *resolved* in the *negative*.

THE DUKE OF RUTLAND moved an Amendment, to strike out the words “Drainage of land” from the list of First Class improvements, and insert them in the Second Class.

The Marquess of BATH and The Earl of AIRLIE opposed the Amendment.

THE DUKE OF CLEVELAND also opposed the Amendment. He recollected that in former times it was calculated that drainage improvements exhausted themselves in 10 years.

LORD WAVENEY thought drainage of a superior nature should come under the first class, while the inferior kind should come under the second class of improvements.

THE MARQUESS OF LANSDOWNE said, the difficulty might vanish if the House were clearly to understand that the periods mentioned in Clause 8 were only maximum periods, and not to be allowed in every instance.

THE DUKE OF RICHMOND stated that the periods mentioned were intended to be maximum; but that if the language of the clause was not explicit enough he would insert words to make it so. He thought it would be best to leave the question of drainage improvements where it was.

Amendment (by leave of the Committee) *withdrawn*.

THE EARL OF KIMBERLEY, referring to the next item in Class 1, "Erection or enlargement of buildings," said, that 20 years was not sufficient to allow for exhaustion in improvements of this description. He should suggest the period of 30 years.

LORD CARLINGFORD thought it would be wiser to leave out buildings altogether, rather than restrict the period to 20 years.

THE DUKE OF CLEVELAND took the same view, remarking that the erection or enlargement of buildings was generally done by the landlord.

THE LORD CHANCELLOR said, that the proposal of the noble Earl (the Earl of Kimberley) was only material in the case of limited owners, because if the owner of property was an absolute owner he could make what agreement he liked with his tenant. Now, this Bill recognized only the person in possession of the estate as the representative of all the interests in it, so far as what might be called "ordinary management" was concerned, and he thought excellent reasons could be shown for the adoption of that principle. The proposal of the noble Earl would defeat the whole object of the Bill, which was meant to be a practical working measure, and he therefore hoped their Lordships would not commit themselves to it. It might, perhaps, be necessary to introduce some safeguards in the case of trustees. It was considered, when the Bill was about to be introduced, whether it should not go further, and whether larger powers, in respect of agricultural leases and special agreements, should not be given to limited owners, and it was the intention of the Government at some convenient time to propose a measure which should deal with and probably extend those powers. It might be desirable to take into account whether the limited owner, with proper checks, might not be empowered to make such agree-

ments as that to which the noble Earl referred, and under such agreement to charge the inheritance; but he trusted their Lordships would not enter upon this larger and very difficult subject in dealing with a measure of a limited purpose.

EARL FORTESCUE said, it seemed to him that the passing of the 3rd clause had estopped the House from going into that question.

THE EARL OF KIMBERLEY said, unless the effect of the Bill, so far as it related to the limited owner, would be injurious, he saw no reason for alarm as to what might happen to the remainder-man. He did not concur in the theory that this legislation was needed for what was called increasing the food of the people, but that was the ground on which the Bill was based by the Government, and nothing was, in his opinion, more essential to good farming than that permanent sound buildings should be provided. Now the very person who would not put up such buildings was the limited owner. It seemed to him, therefore, that if buildings of a permanent nature were erected and added to the letting value of the land, the tenant should be allowed sufficient to recoup him for his outlay, and the charge should be placed upon the estate.

THE MARQUESS OF BATH thought the limited owner possessed all the powers which were requisite, and, if not, he might apply to the Court of Chancery to obtain them.

After a few words from the Earl of DERBY, the words "erection or enlargement of buildings" were *agreed to* and *ordered to stand part of the First Class*.

Other items of improvements of the First Class *agreed to*.

Improvements of the Second and Third Classes *agreed to*, with Amendments.

Clause, as amended, *agreed to*.

Clause 7 (Amount of tenants' compensation) amended, and *agreed to*.

Clause 8 (Time in which improvements exhausted).

Clause 9 (Consent of landlord for first class).

On the Motion of the Duke of RICHMOND the following new clause was inserted to follow Clause 9—

(Notice to landlord for second and third class).

"The tenant shall not be entitled to compensation in respect of an improvement of the second or of the third class, unless not more than 14 days before executing it he has given to the landlord notice in writing of his intention to do so."

Clause 10 (Restrictions on outlay on third class).

Clause 11 (Deductions for compensation for rent, taxes, &c.)

Clause 12 (Set off for benefit of tenant) *agreed to*.

Landlords' Compensation for Waste.

Clause 13 (Landlords' title to compensation for waste) *struck out*.

Clause 14 (Description of Waste).

Clause 15 (Amount of Landlords compensation) *agreed to*.

Procedure.

Clause 16 (Notice of intended claim).

THE MARQUESS OF BATH objected to the form of the clause as unsatisfactory, and suggested that the words "three months," defining the period of notice to be given by either party to the other of them, should be omitted.

THE LORD CHANCELLOR explained that the object of the three months' notice was to put the parties on their guard by letting them know before the expiration of the tenancy that a claim was to be made for compensation. It was only on the termination of the tenancy that the tenant could go to the landlord and make his claim. If the landlord disputed the claim, then came the provision under the 18th clause by which referees were to be appointed. If both parties concurred there might be a single referee; if they did not concur, each might appoint a referee; and if a referee died or failed to act after seven days' notice, and the party failed to appoint another, the County Court Judge was to appoint a competent and impartial person as referee. Then there were provisions for the appointment of an umpire and as to the time within which the referees and the umpire were to make their awards. Those various stages would altogether occupy about 11 weeks; so that the landlord would have sufficient time given him for examining into the matter.

Clause *agreed to*.

Clause 17 Compensation agreed or settled by reference) *agreed to*.

Clause 18 (Appointment of referee or referees and umpire).

THE MARQUESS OF BATH moved an Amendment extending the period for the referee to take action from 7 to 14 days.

After a few words from Earl GRANVILLE and the LORD CHANCELLOR, in opposition to the Amendment,

Amendment *negatived*.

THE MARQUESS OF BATH then moved an Amendment substituting the Inclosure Commissioners for the County Court Judge to appoint a new referee on failure of one of the parties to do so.

Amendment *negatived*.

Clauses 19 to 24, inclusive, *agreed to*.

Clause 25 (Award to find time of improvement).

THE DUKE OF RICHMOND proposed to leave out the clause, and insert the following new clause:—

(Award to give particulars.)

"The award shall not award a sum generally for compensation, but shall, as far as reasonably may be, specify—

"The particulars of the several improvements, acts, and things in respect whereof compensation is awarded;

"The time at which each thereof was executed, committed, or permitted;

"The mode and extent in and to which each thereof adds to or diminishes the letting value of the holding; and

"The sum awarded in respect of each thereof."

Motion *agreed to*; original clause *struck out*, and new clause *inserted*.

Clauses 26 to 29 relating to costs, payment, and removal, inclusive, *agreed to*.

Clause 30 (Appeal to County Court).

THE MARQUESS OF HUNTLY proposed to omit the clause.

THE EARL OF KIMBERLEY thought that an appeal ought to be allowed, and that, as a rule, the County Court would be the best tribunal to appeal to. In some cases, however, where very large sums of money were at stake, there ought to be the right of appeal to a more important Court.

THE MARQUESS OF BATH thought that the decision of a Judge of Assize would be more satisfactory than that of a County Court Judge, who would not have the assistance of able counsel. He

would suggest to leave out the words "appeal against it to the Judge of the County Court," and insert "remove the same by due process into any of Her Majesty's Courts at Westminster."

THE LORD CHANCELLOR pointed out that, although in Common Law actions the jurisdiction of the County Court Judges was limited to a comparatively small sum, yet in cases of equitable jurisdiction it had been extended to £500; while in Bankruptcy proceedings, as well as in all cases where the parties to a suit consented, they might exercise an absolutely unlimited judgment. To what better tribunal could appeals under this Bill be referred? His noble Friend proposed a Judge of Assize; but it should be borne in mind that in most of these cases a very considerable body of evidence would have to be disposed of, and that numerous documents and intricate accounts would have to be examined. How could a Judge of Assize, with the Circuits adjusted as at present and whose time was limited, be able to hear all these cases in addition to the work he had already to get through? These cases would necessarily involve processes of account and examination of vouchers—no Judge of Assize could undertake to grapple with them, and in the result they would be referred to some other tribunal. Besides, if appeals were to be tried before a Judge of Assize they must be tried by a jury, and he could conceive nothing more dangerous than to submit differences arising between landlords and tenants virtually to the decision of tenants residing in the neighbourhood. A County Court Judge would have ample leisure to examine not only the witnesses, but also the papers and accounts, and come to a decision on his personal responsibility, instead of casting the responsibility on a jury.

EARL GRANVILLE said, if it was the opinion of the Committee that there should be an appeal, he did not see why an award under £50 should not be a subject of appeal as well as an award of a larger amount.

LORD DENMAN said, that, having made every order of reference in the Court of Queen's Bench for 12 years, in which the referee was sole judge, and which were very seldom questioned, he hoped that the decision of an umpire in all cases might be final, awards up to

£50 being recoverable in County Courts, and beyond that sum in the Superior Courts; and he trusted that the County Court Judges, who were already very much overworked, would not be saddled with these appeals.

THE DUKE OF RICHMOND said, that if the Committee would affirm the principle of the clause, he would endeavour to amend it upon Report so as to make it more acceptable.

Amendment (by leave of the Committee) *withdrawn*.

Clause *agreed to*.

Clauses 31 (Recovery of compensation); and 32 (Costs, remuneration, &c., in the County Courts), *agreed to*, with Amendments.

Charge of Tenant's Compensation.

Clause 33 (Power for landlord paying compensation to obtain charge), *agreed to*.

Ecclesiastical and Charity Lands.

Clause 34 (Landlord, archbishop, or bishop, incumbent of benefice, trustees for charities, &c.) *agreed to*.

Notice to Quit.

Clause 35 (Time of Notice to quit).

THE DUKE OF RUTLAND said, that this clause, which provided that where a half-year's notice expiring with a year of tenancy was by law necessary for determination of a tenancy—not created by lease—from year to year, a year's notice should by virtue of the Act be necessary and sufficient for the same.

THE DUKE OF RICHMOND trusted the Committee would pass the clause in its present form.

EARL GRANVILLE thought it inconsistent with the proposal made by the Prime Minister of a two years' notice.

THE DUKE OF RICHMOND replied, that the suggestion made by his right hon. Friend was not on all-fours with the present case. His right hon. Friend, no doubt, suggested that one of the modes of settling the tenant-right question would be a two-years' notice; and that was under other circumstances quite capable of being supported. But a two-years' notice with a yearly tenant was clearly inapplicable.

LORD HATHERTON said, that as the theory of giving notice was changed he would suggest adding to the clause the

following words:—"Nevertheless, if a tenant sublets any part of his farm the usual notice of six months shall be sufficient."

THE DUKE OF RICHMOND said, he could not accept the suggestion.

VISCOUNT HALIFAX pointed out that one advantage of retaining the six months' notice to quit would be that an outgoing tenant would have no time to "play tricks with his farm" if he were so disposed.

THE EARL OF KIMBERLEY held that the object of the Bill ought to be the encouragement of the good, "improving" tenant, and therefore he did not think a year's notice too long.

Clause agreed to.

Cottages: Gardens: Planting.

Clause 36 (Resumption of possession for cottages, &c.) agreed to.

General Application of Act.

Clause 37 (No restriction on contract) agreed to.

Clause 38 (Application of Act as regards current tenancies).

On Motion of the Duke of RICHMOND, clause struck out, and the following new clause substituted:—

"This Act subject to any contract in writing between the landlord and tenant, shall apply to all contracts of tenancy taking effect after the commencement of this Act.

"For the purposes of this section, a contract of tenancy from year to year, current at the commencement of this Act, shall be deemed to take effect from and after the end of the first year of tenancy begun and completed after the commencement of this Act. Except as in this section provided, this Act shall not apply to any contract of tenancy current at the commencement of this Act."

Clause agreed to, and inserted in the Bill.

Clause 39 (Exception of non-agricultural holdings); Clause 40 (Exception where compensation under custom); Clause 41 (General saving of rights); agreed to.

The Report of the Amendments to be received on *Friday the 30th instant*; and Bill to be printed as amended. (No. 63).

House adjourned at half-past Eleven o'clock, till To-morrow half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 22nd April, 1875.

MINUTES.]—NEW MEMBER SWORN—Charles Stewart Parnell, esquire, for Meath County.

SELECT COMMITTEE—New Forest, *nominated*.

PUBLIC BILLS — *Ordered — First Reading —* Sheriff Courts (Scotland) (No. 2) [135]; Summary Prosecutions Appeals (Scotland) [136].

Second Reading — (£15,000,000) Consolidated Fund*; Elementary Education Provisional Order Confirmation (Brighton)*[129]; Falsification of Accounts*[121].

Committee—Peace Preservation (Ireland) [77], *debate adjourned*.

*Third Reading—*Pier and Harbour Orders Confirmation*[111], and *passed*.

IRELAND—TRINITY COLLEGE, DUBLIN.—QUESTION.

MR. ERRINGTON asked Mr. Solicitor General for Ireland, What progress, if any, is being made towards maturing and carrying out the long-promised scheme for accelerating retirement among the Senior Fellows of Trinity College, Dublin; and, whether it is proposed to give any increase of power to the Academical Council in the government of the University?

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET): Sir, as to the first part of the Question, I am informed that various proposals have been made by the Provost, the Senior Fellows, and the Junior Fellows of Trinity College, with the view of creating a more rapid succession in the entire body, and otherwise promoting its usefulness; but as yet no plan has been finally adopted or agreed upon. The subject is still under anxious consideration, and I hope that before long some satisfactory solution may be found for the difficulty. As to the second part of the Question, it is not, so far as I am aware, intended, at present, at all events, to give any increase of powers to the Academical Council. No necessity has, I believe, been suggested for an alteration of the provision of the Queen's Letter, recently granted. The new constitution seems to work well, and the two bodies in which the government of the University and College is vested have co-operated harmoniously. My hon. Friend will understand that I have answered his Question as one of the Members of the

University of Dublin. These matters have not been brought before me officially.

ANNUAL RATE OF MORTALITY—
FRIENDLY SOCIETIES COMMISSION.
QUESTION.

MR. CHARLEY asked Mr. Chancellor of the Exchequer, If he would state what are the actual numbers of persons living in England on which the average annual rate of mortality mentioned in the column headed "under one year," in the Table at page 136 of the Fourth Report of the Friendly Societies Commission is founded; and are such numbers contained in any and which of the published Reports of the Registrar General; does the rate of mortality shown in such column include all deaths registered as one year of age; do the local Registrars register deaths during the second year of life as one year or as two years of age; has the same system been employed in estimating the rate of mortality in the various places named in such Table as for all England; and, have any special returns been made showing in what localities the death rates are under the average for all England?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the data for calculating the average annual rate of mortality at the different ages for England were supplied by the Registrar General, but the calculation was made by the Royal Commissioners. The average annual rate of mortality in England at the age "under one year" was obtained from the mean of the population enumerated at the Censuses of 1861 and 1871, and from the number of deaths registered in the 10 years 1861-70, at that age. The facts and calculation for England, which will appear in the forthcoming Supplement to the Registrar General's 35th Annual Report are as follows and it will be observed that the result does not differ materially from that in the Friendly Societies' Report:—Mean population, 1861-71, under one year of age, 640,306, deaths registered in the 10 years 1861-70 under the age of one year 1,155,182; average annual rate of mortality in England, of children "under one year of age" to 100 living in the 10 years 1861-1870, 18.041. The rate of mortality in this statement does not include deaths registered as one year of age; they are

the deaths in the first year of age. The local Registrars register deaths under one year of age as "under one year," and deaths aged one year and under two years are registered as "one and under two years." The same system has been employed by the Registrar General in calculating the mortality in the various places named in the Table as for all England. Special Returns showing the death-rate in England and in the various districts of England are published every 10 years; those relating to the 10 years 1861-70 will shortly be presented to Parliament.

PUBLIC HEALTH ACT, 1872—QUESTION.

MR. LYON PLAYFAIR asked the President of the Local Government Board, Whether, in continuation of the Reports (134) of the non-medical inspectors of the Board on their proceedings in bringing into operation the machinery of the Public Health Act of 1872, it is the intention of the Government to lay before Parliament Reports by the medical officer of the Board on the practical efficiency of the Act in promoting public health?

MR. SCLATER-BOOOTH, : Sir, the Reports to which my right hon. Friend alludes were not laid on the Table by me, but were moved for last Session by the late President of the Local Government Board (Mr. Stansfeld) to whom they were addressed. They had reference mainly to arrangements for the first appointment of sanitary officers when the Public Health Act came into operation. I have not seen occasion to instruct the medical officer to report on the practical efficiency of the Act in promoting public health, and therefore I have no such Reports to produce as are suggested in the Question.

SPAIN—THE CIVIL WAR—QUESTION.

MR. BAILLIE COCHRANE asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government has received any official information of the cruelties reported to be committed on prisoners of war by both parties in the war now raging in Spain; and, if so, whether Her Majesty's Government will follow the precedent of 1835, when Lord Eliot and Colonel Gurwood were sent out as Commissioners to the head quarters of both armies to remonstrate against the barbarities practised alike by

the forces of the Government and the forces of Don Carlos, which led to the Eliot Convention, so conducive to the interests of humanity?

MR. BOURKE: Sir, Her Majesty's Minister at Madrid (Mr. Layard) has reported that certain cruelties have been committed by both parties in the war in Spain during the last two years. Those cruelties have been inflicted upon prisoners of war as well as upon other persons. With regard to the second Question, I would remind my hon. Friend that the circumstances of the year 1834 are not parallel with those of the present day. In 1834, when the Carlist War broke out, a proclamation was issued by the Government announcing formally that they would treat as rebels all those who took up arms in favour of Don Carlos, and consequently the officers of the Government shot nearly every armed Carlist who fell into their hands. The Carlist Chiefs immediately retaliated, and put to death the officers and soldiers of the Queen's Army who became their prisoners. In the spring of 1835, the Duke of Wellington was Secretary of State for Foreign Affairs, and made an effort to put a stop to those atrocities. He drew up a Convention himself, and entrusted it to Lord Eliot—the present Earl of St. Germans—and Colonel Gurwood, and they proceeded to Spain with that Convention. Owing to the ability and tact of Lord Eliot, that Convention was signed by both parties, and no doubt it had a humanizing effect upon the war. But at the present time no such proclamation or announcement as that of 1834 has been issued by the Government of Spain, and although I fear many acts of cruelty have been committed, yet those acts are few as compared with those of the first Carlist War. Her Majesty's Government, therefore, are not at present prepared to follow the precedent of 1835; but I can assure my hon. Friend that they will lose no opportunity of bringing their influence to bear upon the parties in the war in favour of peace and humanity, whenever they think that their interposition is calculated to have a beneficial effect.

SCOTLAND—SAINT GILES' CATHEDRAL
EDINBURGH.—QUESTION.

MR. J. COWAN asked the First Commissioner of Works, Why the sum of

£500, paid for the erection of a Royal Pew in the Cathedral of St. Giles Edinburgh by the Committee appointed for the restoration thereof, and recommended by the Commissioner, has been omitted in the Miscellaneous Estimates; and, whether this omission will be supplied when any Supplementary Estimates are brought forward?

LORD HENRY LENNOX, in reply, said, that no one appreciated more than he did the magnificent restoration of the Cathedral through the liberality and the public spirit of the citizens of Edinburgh. Last year a sum of £500 was inserted in the Estimates for the erection of the Royal Pew, but it was not paid; and he regretted very much that, owing to unavoidable circumstances, he was unable to re-insert the sum in the Estimates now on the Table of the House. He was afraid he could not promise that, if any Supplementary Estimate were issued, that item would be found among them, unless the Office of Works should find that the item would be allowed.

CRIMINAL LAW—COCK FIGHTS
AINTREE AND SUTTON COLDFIELD.

QUESTIONS.

MR. MACDONALD asked the Secretary of State for the Home Department, If his attention has been called to a report in "The Birmingham Morning News" of the date of Monday the 19th instant, headed Cock-fighting Extraordinary, and following which is the description of a cock-fight which took place or is stated to have taken place in the Grand Stand of the Aintree Racecourse, near Liverpool, on Wednesday the 14th instant (presumably), at which it is stated a considerable number of gentlemen were present; also to another account of a cock-fight said to have taken place at Sutton Coldfield (presumably) on Saturday the 17th instant; whether he has taken means or given instruction to find if the extraordinary allegation made in respect to the cock-fight said to have taken place on the Aintree Racecourse Grand Stand is true; whether he has followed a similar course in respect to the one alleged to have taken place at Sutton Coldfield; and, whether he will direct that every effort be made to discover and bring to punishment all the promoters, aiders, and abettors of these exhibitions, if the accounts

be true? Would the Home Secretary take means to obtain the real instead of the fictitious names of those who promoted these disgraceful exhibitions?

MR. ASSHETON CROSS, in reply, said, his attention had been called to the accounts of the cock-fights in both places. He believed that the accounts in each case were substantially true, with this exception—that as regarded the one stated to have taken place at Sutton Coldfield it did not take place in Warwickshire, but over the border, in Staffordshire. [Mr. NEWDEGATE: Hear, hear!] Hewas happy to say that he had found it unnecessary to give any positive instructions in the matter, because the county authorities in both places had taken the most active steps to find out the offenders, and to a considerable extent they had succeeded. At Aintree the police interfered while the fighting was going on; they found about 100 persons assembled, and took names from many of them. Some of the names given were fictitious; but a telegram informed him that 13 of the offenders had been identified, and every precaution would be taken to insure convictions.

MR. MACDONALD gave Notice that he would move an Address to Her Majesty, praying that the names of those persons convicted should be printed and laid on the Table of the House.

CIVIL SERVICE INQUIRY COMMISSION—THE REPORT.—QUESTION.

MR. DUNBAR asked Mr. Chancellor of the Exchequer, Whether the Government have yet arrived at any decision upon the recommendations contained in the First Report of the Civil Service Inquiry Commission; and, whether, if they are not prepared to cause the early adoption of the proposed scheme in the Civil Service as a whole, they will apply it, as a tentative measure, to some one or two of the larger Departments?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the Government had been in possession of the Report of the Commission for some time. They recognized the extreme value of it; and he availed himself of this opportunity publicly to thank the right hon. Member for Edinburgh University (Mr. Lyon Playfair) and his Colleagues for the service they had rendered. The recommendations were of an important

character, and the Government felt they ought to be carefully considered before any action was taken upon them, because they affected not only the public service as a whole, but largely the interests of a great body of persons. The feeling of the Government was that it would be desirable, before any decision was arrived at with respect to the application of the scheme, that the working of it should be tested by something in the nature of a tentative inquiry as to the mode in which it would accommodate itself to the wants of particular Departments. Special inquiries were now going on under the guidance of members of the Commission, assisted by officers of two Departments; he hoped inquiries would be conducted in another Department also, and that the results of those inquiries would be to enable them to judge more accurately what the actual working of the scheme would be. When the Reports of these inquiries had been received, the Government would be in a position to say what their proposals were.

CHINA—MURDER OF MR. MARGARY. QUESTION.

MR. WAIT asked the First Lord of the Treasury, Whether his attention has been called to a telegram in "The Times" newspaper of the 8th instant, to the effect that Mr. Wade, Her Majesty's Minister at Peking, had made application to the Chinese Government for an investigation into the deplorable massacre at Manwine of Mr. Margary and his servants; whether such telegram was correct in its information; and, whether the Government has received from Mr. Wade himself the result of his appeal?

MR. DISRAELI: The telegram in *The Times* newspaper quoted by my hon. Friend respecting the unfortunate events which ended in the death of Mr. Margary is of the 10th, and not of the 8th instant. On the 4th of this month we sent by telegraph instructions to Mr. Wade to call upon the Chinese Government to make strict investigation into the circumstances of the case. Mr. Wade has communicated by telegraph to us that he has made certain demands in consequence upon the Chinese Government. We have reason to believe that these demands have been acceded to;

Mr. Macdonald

but, in the absence of details, it is better for the public interest that I should not at present enter any further into the nature of these communications.

FRIENDLY SOCIETIES BILL.

QUESTION.

MR. ASHBURY asked Mr. Chancellor of the Exchequer, If he intends to proceed with the Friendly Societies Bill on Thursday next; and, if not, whether it is likely to be taken before Whitsuntide?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he thought there was no chance of the Bill being proceeded with on Thursday next, as that day had been set apart for the discussion of the financial measures of the Government, and he took it for granted that the evening would be occupied with them. He was anxious to proceed with the Bill, and, if possible, to bring it on before Whitsuntide; but at present he was unable to fix a day when it would be taken.

RANGOON, WEST OF CHINA—REPORTS.

QUESTION.

MR. SERJEANT SIMON asked the Under Secretary of State for India, Whether he has any objection to produce the following documents:—Copy of all Memorials, Resolutions, and Letters dated after the 17th day of February 1873 from Chambers of Commerce and Commercial and Shipping Associations to the Secretary of State for India or any other of Her Majesty's Ministers relating to the completion of the survey of the direct land route from Rangoon to Kiang-Hung, near the south-west frontier of China, and the several Replies thereto (in continuation of the Parliamentary Paper, "Rangoon, West of China," No. 258, of Session 1873)?

LORD GEORGE HAMILTON, in reply, said, there was no objection to produce the Papers in question, but he thought the majority would be hardly worth printing; but if the hon. and learned Member would select any that were essential for his purpose, they should be laid before the House, together with other Papers on the subject.

INLAND REVENUE—THE GUN LICENCE—TEN SHILLING GUN LICENCES.

QUESTION.

CAPTAIN NOLAN asked Mr. Chancellor of the Exchequer, How many ten shilling gun licences have been issued in England and Wales during the last year of which he has Returns; also how many ten shilling gun licences have been issued during the same period in Ireland?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the number of gun licences issued in England and Wales in the year ending the 31st of March, 1874, was 116,586, and in Ireland it was 3,578. The accounts for the year ended the 31st of March, 1875, had not yet been made up.

MONASTIC AND CONVENTUAL INSTITUTIONS—LAWS OF FOREIGN STATES.

QUESTION.

MR. NEWDEGATE asked the Under Secretary of State for Foreign Affairs, When further Papers descriptive of the Laws, &c. of Foreign States relating to Monastic and Conventual Institutions, in completion of the Return presented on the 4th of March last, will be in the hands of the Members of this House; and, whether Her Majesty's Government would object to presenting any information relating to Laws passed, or alterations of Laws effected, on the subject of the Address since its adoption on the 27th of July 1874, and if not in their possession to procuring such information?

MR. BOURKE: Sir, Her Majesty's Representatives at Munich, Stuttgart, Dresden, Darmstadt, and Baden were instructed, on the 3rd of this month, to furnish, with as little delay as possible, the additional information required respecting Monastic Institutions. A Report on this subject has been received from Her Majesty's Representative at Dresden, and is now in the hands of the printer; but I am unable to say how soon Her Majesty's Representatives at the other places specified may be able to send the information required of them. As to recent legislation in Austria, there will be no objection to lay the few Papers we have upon the subject on the Table, and I will endeavour to obtain further information for my hon.

Friend. One copy of the work by Dr. Rönne has been received from Berlin, and has been presented to the Library of the House of Commons.

PRIVILEGE—STRANGERS—REPORTS OF DEBATES AND PROCEEDINGS.

QUESTION.

MR. SULLIVAN asked the First Lord of the Treasury, Whether, in view of the present anomalous relations between this House and the public press as to reports of public proceedings of the House and of Committees, it is his intention to propose some reform which, while maintaining the due control of this House over publication of its proceedings, shall relieve the public press from the hazards at which it now discharges important and useful functions towards this House and towards the Country?

MR. DISRAELI: Sir, it is not the intention of Her Majesty's Government to introduce at present any measure of the kind to which the hon. Gentleman refers.

MR. SULLIVAN: Sir, I beg to give Notice that, in order to prevent breaches of Privilege and to determine the present anomalous relations between this House and the public Press, and to relieve the public Press from the hazards at which, it now discharges important and useful functions towards this House and towards the country, I will to-morrow, in case I perceive any strangers in the vicinity of the Chair, call attention thereto; and that I shall do the same on every evening during the Session when I may perceive Strangers in that locality.

PEACE PRESERVATION (IRELAND)

BILL.

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.*)

[BILL 77.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Sir Michael Hicks-Beach.*)

MR. BIGGAR, in moving the Resolution of which he had given Notice, said, he considered the Government were acting very improperly in introducing a measure of this kind, which was alike uncalled-for and unnecessary—as he would be able to prove when he

came to speak of the condition of Ireland—not merely as regarded the particular localities which were the objects of exceptional legislation, but of the state of the country generally. He had listened with profound attention to the right hon. Gentleman the Chief Secretary for Ireland throughout the long speech which he made in support of the Bill, and he (Mr. Biggar) had to express some astonishment that the right hon. Gentleman had throughout his speech dealt entirely in generalities. He set out by assuming that a measure of this kind was necessary, but he carefully refrained from furnishing the House with the data on which he grounded that assumption. In one part of his speech the right hon. Gentleman admitted that the present state of Ireland was one of perfect peace and tranquillity, and that this measure was only intended as precautionary; which was an admission on his part that the Bill was not required at all. The only argument in favour of the Bill offered by the right hon. Gentleman in his long address was that magistrates of Westmeath had declared that its provisions were necessary for the security of the public peace; but as he (Mr. Biggar) would presently endeavour to show, that argument was of no great weight. In the first place, the magistrates from whom the memorial in favour of the renewal of coercion proceeded sat with closed doors; and, secondly, the memorial was not the memorial of the entire magisterial Bench of Westmeath, but that of a select number well known to be prejudiced against the people, and without sympathy with them in anything which concerned their interests. A memorial proceeding from such an assembly as that ought not to carry with it any weight whatsoever. He did not deny that those Westmeath magistrates were very worthy gentlemen; but not being able to ascertain facts for themselves, they relied on those supplied to them by spies and informers, which were altogether worthless. Such being the information on which the Westmeath magistrates based their representations to the Chief Secretary for Ireland, Government, he contended, were not justified in bringing forward this measure to take away the liberties of the whole people upon such representations. Another argument which he would urge against the Bill was that

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the last Assize showed there did not exist in Ireland any organized conspiracy to set the law at defiance. In Meath everything was tranquil: at the last Assizes there was not a single case for trial: in Fermanagh there was only one case; and generally throughout Ireland the result of the last Assizes was to show that the country enjoyed a perfect immunity from crime. Again, the Roman Catholic Bishops and clergy, who had a more intimate knowledge of the habits, the feelings, and of the every-day life of the Irish people than any other persons whatever, had decided against the Bill, which they considered not only unnecessary, but as calculated to foster and keep alive those very feelings of hostility to the Government which it was the intention of the measure to suppress and eradicate. Those gentlemen could supply the most accurate information to the Executive, as to the real condition of the country; but he regretted to say the authorities chose to rely more on the reports and representations made to the magistrates by the police, and which were obtained from the most worthless sources, from informers and from spies. The Roman Catholic clergy were the well-known opponents of secret societies, and discountenanced them with all their influence. They knew of everything which took place in the country—he was not, of course, alluding to information obtained by them in the confessional—but from their personal acquaintance with the people who consulted them and acted upon their advice in all the relations of home. If a young man was leading an improper course of life, his parents were sure to call clerical influence to their aid; and thus those youths who might, perhaps, feel an inclination to join such societies as those to which he referred were deterred from so doing. Had the Government consulted those gentlemen, they would have found that there was no necessity for the renewal of the Coercion Acts, but that the rights and privileges of the Constitution might at once and with perfect safety, and with great advantage to the country, be restored to Ireland. He (Mr. Biggar) had communicated with several of the Roman Catholic Bishops of Ireland on the subject—the Bishop of Meath, the Bishop of Down and Connor, and the late Archbishop of Cashel—inquiring of them whether Ribbonism existed, or existed

to the extent that was alleged in Ireland, and they replied that, as far as they could judge, it did not; and they were unanimously of opinion that the common law, if justly and impartially administered, was all that was required for repressing crime, and that no necessity for exceptional legislation existed. Dr. M'Dermott, Bishop of Raphoe, wrote that not a trace of Ribbonism or Fenianism was to be found throughout his diocese, and he added—

“I am decidedly of opinion that it is not desirable to renew the Coercion Acts, they seem to me to do very little good; and to pass them may do a great deal of harm.”

The Peace Preservation Act was originally brought in on account of outrages that had been committed, and which, perhaps, called for its introduction. But these outrages had entirely died out, and no new necessity for renewing its provisions had been shown. As for the Report of the Westmeath Commission, it was of no value. It declared there was a wide-spread conspiracy, fenced in by a most awful oath; yet although, if the representations of the witnesses were correct, thousands must have taken that oath, a single copy of it had never been produced. They were therefore asked to pass this Bill on the bare assertion of the Government that the Bill was desirable. In fact, Ireland was as peaceful a country as any in the world, and he said emphatically it was a great shame that the whole of the Irish people should be treated as a nation of criminals, tyrannized over and subjected to continual coercion. The propositions contained in the Bill were of a most frightful character, and the whole country seemed to be left entirely at the mercy of one man, the Chief Secretary for Ireland, who, on his part, might coerce the Irish people as he pleased. Powers, too, were given to the magistrates which were liable to continual abuse. [The hon. Member here read in a manner which made it impossible to follow the application, long extracts from the Report and Evidence of the Westmeath Commission, from the Catholic newspapers of Ireland, and from statements and resolutions of various public bodies, and meetings. The general purport appeared to be to denounce the necessity for any exceptional legislation in regard to Ireland, to assert the general tranquillity and good order of the coun-

try and the absence of Ribbonism, and to protest against the invasion of the liberties of the people.] Resuming his speech, the hon. Member was understood to say, that he, in the next place, objected to the Bill by which it was proposed that this coercive system should be put in force. The Bill was framed with the object of renewing and modifying detached portions of three or four previous Acts. He thought that even a practised lawyer would be puzzled to understand it. If persons were to be punished for breaking the law, it was only fair they should know what the law was which they were not to break; but he was satisfied that it would be impossible for persons of ordinary intelligence to understand this Bill. Then its provisions were conceived in so vicious a principle that it was difficult to tell which of them was the worst. The plan of imposing on localities where outrages had been committed a special charge for extra police was most unfair, for it might well be that the inhabitants were wholly blameless. The manner in which the coercion was to be carried out was without a parallel in any free country. Peaceable people were not allowed to have arms to protect themselves, while evil-disposed persons would get arms in spite of the law by running a little risk. With regard to the provisions against sending threatening letters, such letters were often sent more by way of a joke than anything else; and it was unreasonable to say that on account of the writing of those letters the police were to be at liberty to search people's houses at all hours of the day or night. In many cases great annoyance had been caused to innocent persons by the exercise of that arbitrary power. A man who intended to commit an outrage was not likely to give his victim any notice; and where a letter of that kind was sent at all, the object of the writer often was only to give annoyance and not to injure the person to whom it was addressed. With respect to the Act against secret societies, it was quite inoperative, although under its provisions Freemasons and members of the Orange Society in Ireland were liable to be prosecuted. It was improper to retain a law of that kind which it was not intended to enforce impartially against all, but which put it into the power of the authorities to punish severely a few persons, while the

great majority of those who infringed it wholly escaped. The clause against secret societies ought therefore to be struck out of the Bill, and he did not see on what ground the Government could defend it. No doubt, as a whole, they were not, as a body, a very brilliant set of men; but, nevertheless, they should remember that it was for their own political interest not only to consider the people of Ireland, but to satisfy the democracy of England. He did not wish to see the Government now in power replaced by Gentlemen on the front Opposition Bench, until the latter had given some reason for the change, which they had not done hitherto. But Her Majesty's Government were wasting a great deal of time about questions of Privilege and Irish Coercion Bills which would prove perfectly inoperative. He did not see why the Government should waste not only the time of the House, but their own time, which was of very material importance, in having matters of this sort debated, and in passing a measure which would be looked upon as a stigma upon England as well as a stigma upon Ireland. There were questions of far more importance to which they ought to turn their attention—questions arising out of the Master and Servant Act, the Friendly Societies Bill, the relations between landlord and tenant in England, and so on. But if this Bill passed to-morrow, the effect of it would be not one crime the more or one crime the less committed in Ireland, it would simply subject well-disposed persons to annoyance at the hands of the police. It was said in support of the Bill on the second reading that it would be carried by an enormous majority. And so it was, but that majority was composed for the most part of persons who had not heard a single argument for or against the Bill, and to vote for Bills of this kind without hearing what was to be said for or against them was most improper. There was no reason why coercion laws should be directed against secret societies in Ireland, so far as Roman Catholics were concerned, because the clergy of that Church being altogether opposed to secret societies of any kind, very few Roman Catholics were members of such societies. The system of coercive Acts in regard to Ireland which had been carried out for more than a century was a disgrace to the English Government. From the

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beginning of the reign of George III., Act after Act had been passed, and the restrictions imposed repeated and augmented, and even in the Acts of the present time some of the restrictions of the Acts passed in the old evil times were preserved. [The hon. Member, who was almost inaudible, was understood to recapitulate some of the arbitrary enactments of older statutes, and to point out that they were in substance or effect re-enacted in the various Arms Acts and Peace Preservation Acts of the present reign]. It was one of the great blots of this Bill that it authorized, on the warrant either of the Lord Lieutenant or of the Chief Secretary, the imprisonment without trial or any means of redress, not only of offenders against the law, but even of those who might be supposed to have a personal acquaintance with them. While so imprisoned they were prohibited from holding any intercourse, whether orally or in writing, with their friends and relatives outside. So extraordinary a power as that ought not to be vested in any one man. But his power of coercion did not stop there. If a crime was committed in any district, even although the criminal had no connection with that district whatever, the Lord Lieutenant could quarter an additional police force on the people, and this peace tax had been a source of great injustice. He appealed to the Government not to disgrace themselves, and not degrade the Irish people by forcing upon them a measure of this kind. As evictions had in former times been a fertile source of disaffection and disorder, and they were not likely to occur so often now that the land laws had been altered, there was all the less reason on that score why Bills should be passed of the character now under consideration. In his opinion, Dr. Plunket suggested a more sensible course of proceeding in 1871 than was now recommended by the Government. He said that if the ordinary laws were strictly enforced, they would be quite sufficient to repress crime in Meath, Westmeath, and King's County, the amount of which he thought had been greatly exaggerated; and he added that an improvement of the condition of the labouring population would be a much more powerful instrument in the cause of order than all the coercion Bills that were ever passed. The hon.

Member proceeded to argue that Ribbonism had its origin and its continuance in the desire of the people to deter the landlords from evictions and the capricious tyranny of the landlords, and for this purpose read numerous long extracts from documents and evidence; when—

Notice taken that 40 Members were not present: House counted, and 40 Members being found present,

MR. BIGGAR continued. The Bill for giving a right to search for arms on a mere excuse, and often without even a pretence, the real purpose being to discover any papers that might give information about suspected persons. The hon. Member proceeded to read extracts from the evidence before the Westmeath Committee—as was understood;—but in a manner which rendered him totally unintelligible. At length—

MR. SPEAKER, interrupting, reminded the hon. Gentleman that the Rules required that an hon. Member, when speaking, should address himself to the Chair. This Rule the hon. Gentleman was at present neglecting.

MR. BIGGAR said, that his non-observance of the Rule was partly because he found it difficult to make his voice heard after speaking for so long a time, and partly because his position in the House made it very inconvenient for him to read his extracts directly towards the Chair; he would, however, with permission, take a more favourable position. The hon. Member accordingly, who had been speaking from below the Gangway, removed to a bench nearer to the Speaker's Chair, taking with him a large mass of papers, from which he continued to read long extracts, with comments. At length the hon. Member said he was unwilling to detain the House at further length, and would conclude by stating his conviction that he had proved to every impartial mind that the Government had made out no case for the maintenance of this monstrous system of coercion, and that their proposal was perfectly unreasonable. The hon. Gentleman, who had been speaking nearly four hours, then moved his Amendment.

SIR JOSEPH M'KENNA, in seconding the Amendment, said, that this was not simply a renewing Bill, but a Bill to renew certain portions of certain Bills,

and to repeal certain portions of other Bills. In many respects the measure reflected credit on the Government. In so far as it was a repealing Bill it was good; but in so far as it was an enacting Bill it was a structure of ingenious confusion. The delay which he and his Friends asked for was in order that the Bill might be submitted to the House in such a shape that it might know what the Bill proposed to do. He would not pretend that he did not himself know what the Bill proposed to do; but he denied that anyone could make it out from a perusal of its clauses. One thing it was intended to do was to re-enact for two years the special Coercive Statute, known as the Westmeath Act, which was passed in 1871, based on the evidence taken before a Select Committee, which was accepted as proving sufficiently the existence of a wide-spread organized Ribbon conspiracy, bound to secrecy by the obligation of a terrible oath, the text of which purported to be in evidence before the Committee. He did not believe in the existence of Ribbonism of that nature or in that sense at all; and if he had believed it before the Committee of 1871 sat he could not believe it since he read the evidence it had taken. The Report of the Committee was founded upon evidence which, so far as it was even credible, rested on the foundation of hearsay and rumour alone. He had landed property in Westmeath for the last 20 years, and he knew the county well; the very nature of his property in that county was such as to render him sensitive to the presence of such an organization if it existed, for he paid a fee farm rent for his lands which were occupied by tenants who paid him a rack rent—his statement in that House was therefore as likely to be correct in this matter as that of any of those gentlemen who deposed before the Committee. He (Sir Joseph M'Kenna) disbelieved *in toto* that Ribbonism, or any secret organized confederacy of the nature imputed, existed. The witnesses who were examined before the Committee gave their evidence very fairly, and he had no doubt with a sincere desire to state nothing but the truth; but the Committee took for facts all that the witnesses said even when they gave merely hearsay evidence. The Ribbon Oath was read, and had a great effect upon

their minds; but he could say that he had never read a document so obviously and patently fictitious as that oath was. It had been suggested that it was drawn up by a policeman; but he inclined to believe that it was a stupid hoax—however that might be, he (Sir Joseph M'Kenna) would unhesitatingly say that he never read a document so obviously fictitious. It was an insult to Irishmen, or to anyone who understood the Irish character, to ask them to base legislation on a document which was the production of some one in a humorous or half-lunatic condition of mind. He would now read from the evidence taken before the Committee the text of the oath, which being once accepted as genuine might account for the whole discrepancy between his belief on the subject of Ribbonism and that of the Committee. The so-called oath purported to be set forth in a paper headed "Obligations of a Ribbonman," which he would read. It began—

"The person is first asked by the Captain or Committee-man, Is it your wish with all your heart and mind to assume the heavenly act of Ribbonman or any other title you may get from the Board? The person answers 'Yes.' The Captain of the Committee then says—'Take the Book in your right hand and go down on your bare knees—you swear that you will never prosecute a Ribbonman or any other title he may get from the Ribbon Board before Judge or Jury or any man that can trust our system.'—The person then, if it is not his wish to receive the chief secrets, may rise and go away, but if he answers 'Yes,' the Captain orders him to bless himself and take the Book in his right hand, and he is then sworn as follows:—'By virtue of the oath I have taken, I will aid and assist, with all my might and strength, when called upon, to massacre Protestants and cut away heretics, burn British Churches, abolish Protestant Kings and Princes, and all others except the Church of Rome and this system, and by virtue of the oath I have taken I will think it no sin to kill and massacre a Protestant whenever opportunity serves: and by virtue of the said oath, if I know any of the members of this system to be backward in executing any of the aforesaid orders, I will immediately make it known to the Captain or the Committee-man belonging to the Ribbon Board; and by virtue of the oath I always will attend at one moment's warning to execute any commands belonging to the system, and that I will never see a brother hurt or abused by any not up to this system without assisting him, or will I buy anything from a Protestant at any terms if I can get it from a brother; and I also feel bound to believe that there is no absolution to be had from the Pope of Rome or any other authority belonging to that Church, on any part of this solemn test, or any favour in this world or that which is to come for a breach of this test.'"

Sir Joseph M'Kenna

Now, he would shortly observe upon that interesting paper that it was the most obviously fictitious and trumpery document of the kind he had ever read, and that its production as authentic stamped the whole theory of the existence of an organized agrarian conspiracy in Westmeath with the character of fiction; nevertheless, it certainly influenced the minds of the Committee from first to last; but, for his part, he would simply observe that until he believed—as not long since in a famous case they were asked to believe—that a Catholic gentleman would write an affectionate letter to his mother, concluding with a prayer “that the Blessed Maria might have mercy on her soul;” he would hold that the document which purported to set forth not only the Ribbon Oath, but the formulary of the Ribbon proceedings, to be either a hoax or a fraud. He would admit, however, that the Committee of 1871, although influenced by the alleged discovery of the oath, were not solely moved by it: the existence of a kind of secret society was proved, and it was quite true that some two years before the Committee sat the railway station master at Mullingar had been murdered. That crime was committed without provocation, or on the very slightest provocation, and would disgrace any country. He would, however, now deal with that fact. The Chairman of the railway, Mr. Cusack, was one of the witnesses examined before the Westmeath Committee: he (Sir Joseph M’Kenna) did not quarrel with Mr. Cusack’s testimony in the least; but he charged on the company of which Mr. Cusack was the Chairman—or perhaps he should more correctly say on the Canal Company, the management of which had devolved on Mr. Cusack’s company—that they (the Canal Company) had manufactured the Ribbon system which affected themselves, and had entered into very curious relations with it. Now he (Sir Joseph M’Kenna) would hazard no assertions on this matter; and wherever a fact required to be proved he would put it aside unless he could establish it on the evidence taken before the Select Committee. The hon. Member then explained to the House the origin of the Midland Great Western Railway Company about 30 years ago, and its amalgamation with the Royal Canal Company, which latter was incorporated so

long ago as 1789. The Railway Company came to be also the owners and managers of the canal, and Mr. Cusack was the Chairman and head of both concerns. He would read Mr. Cusack’s evidence taken before the Westmeath Committee, with a view to show that the secret society with which the amalgamated company had to do was one recognized for a long time by the Company, and was not an agrarian conspiracy but a species of trades union.

“Question 1347.—Are you aware whether outrages have taken place upon the canal with which you are connected?—No, I think since I have been connected with the line there has been no outrage upon the canal, although it runs parallel to the line.

“Question 1348.—How do you account for that?—I account for it by their having a secret society among the men, and by their having been allowed for years to have all the appointments to themselves. As soon as a man dies or goes away the company are told who to put into his place. These people act as a sort of police, and protect the place.”

Now, he fully admitted there was evidence here of a secret organized society, recognized time out of mind by the Canal Company, long before Mr. Cusack’s time. He (Sir Joseph M’Kenna) would say confidently that there was no reliable evidence of any kind to prove that any organized society, other than this, existed in 1871, and he did not believe there was any other. But perhaps hon. Members might say that after all was a veritable Ribbon Society. They should, however, hear what Mr. Cusack had to say on that head—

“Question 1398.—With regard to the strange system of appointment which prevails upon the canal, have you reason to suppose that that is supported by the Ribbon conspiracy?—I do not say it is caused by the Ribbon conspiracy, because I think it existed for a long time before my time, but it certainly has the effect of keeping us all quiet upon the canal.

“Question 1399.—You have no reason for connecting that with the Ribbon conspiracy?—No, I have not.”

Now, could anything be clearer than that this the only organized secret society was, in fact, a species of trades union amongst the servants of the Canal Company? And when one reflected that the Canal Company and the Railway Company were one and the same corporation, did not the murder of Mr. Anketell, the station master, resolve itself into an atrocious attempt on the part of the servants, or hangers on of the Company, to get the upper hand on the railway as

well as on the canal? Why should that act, base and atrocious as it was, be mixed up with the notion of Agrarian Confederations and Ribbon Boards and Committees, and Ribbon Oaths and Captains of Ribbon-men? They certainly found an account in the evidence of a Mr. Crofton, who was examined before the Committee, of a certain so-called Captain Duffy; but he (Sir Joseph M'Kenna) ventured to believe that Duffy was a captain without a company, like the Australian highwayman who was in the habit of terrifying isolated settlers by pretending to head a gang. At any rate, there was no evidence that Duffy had a company, except the style of "Captain," which was nothing more than a nickname. The idea of an agrarian conspiracy would be dispelled by a careful examination of the evidence of some of the most intelligent of the witnesses. Mr. Julian, the Crown Solicitor for the King's County and Westmeath, was examined. He said, in answer to Question 2497—

"Formerly, questions between landlord and tenant gave rise to agrarian outrage; but now if the Ribbon combinations waited for cases between landlord and tenant, they might, if I may use the term, give up business, as they are so very few in number the consequence is that almost all the recent cases can scarcely be called agrarian at all."

Quite right, and honestly deposed by Mr. Julian. So here again the case was brought back to the class of offences growing out of the system that had existed on the canal—a kind of irregular trades union—which the murderers of Mr. Anketell no doubt wanted to have extended to the railway. He hoped the House would bear with him whilst he read some portions of Mr. Rochfort Boyd's evidence which dealt with the system of fines inflicted on districts in which crimes had been committed. In answer to Question 1531, Mr. Boyd said—

"I look upon the area or the incidence of the taxation to be so faulty and so wrong as at the present moment to estrange the feelings and the loyalty of those who ought to be our best men—that is to say, the independent farmers of the country. It is within my knowledge now, for example, that at the present moment, from the taxes recently laid on certain districts for murder committed, and other outrages, there are some of the best conducted men in my county becoming fast reduced in circumstances, and if it goes on they will be utterly smashed, while those escape with impunity who are, in point of

fact, the concoctors and the executors of the mischief which is perpetrated."

Now what he (Sir Joseph M'Kenna) had to say in respect to all this was, that those who were law-abiding and loyal should not be punished on account of others who had committed grievous outrages—would such a principle be applied in England? He meant, would the principle of the Coercion Law? Take the case of Lincolnshire, for instance, and suppose that it could satisfactorily be brought home that bands of poachers, who generally had an understanding with each other of a more or less intimate kind, had been engaged in desperate outrages upon persons or attacks upon property—would it be said that such a state of circumstances would prove a justification for placing a whole county or large district under a set of severe regulations? He ventured to say that nothing of the kind would be tried or ought to be tried. Why, because some outrages were committed, should a whole community be branded as if they were affected by a spirit of outrage? He wished to state, in the presence of the Prime Minister, the subject matter of the Resolution was to complain of the structure of this Bill—he and his Friends objected to the codification by means of one Renewal Bill, obscure in its meaning, of measures conceived in the spirit of the Coercion Acts. They asked that the Bill should be so framed as to show on its face what restrictions of the liberty of the subject it was intended to enact.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is inexpedient to proceed with the consideration of a Bill re-enacting and modifying detached portions of several statutes, until it is put into such a form as to show clearly and distinctly the provisions which are to form part of the continued and revised code,"—(*Mr. Biggar*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. R. SMYTH: Whatever opinions, Sir, may be held on either side of the House as to the necessity and policy of the Bill now under consideration, I do not think that anyone can reasonably deny that it is the duty of Irish Members

Sir Joseph M'Kenna

to make it the subject of serious challenge and debate. Whether the measure is right or wrong, it is, at all events, one of great importance to the people of Ireland, and of no less importance to the credit of Constitutional Government. This Bill avowedly puts in jeopardy or suspends the usual guarantees of the liberties of several millions of the people of the United Kingdom. Indeed, its only value consists in its doing that thing. Now, if such a measure were allowed to pass in silence through any one of its stages, it would hardly be creditable to the House itself, and still less to those Members who are specially intrusted with the duty of guarding the liberties and general welfare of Ireland. I therefore think, apart altogether from the merits of the particular Amendment which has been moved, that the hon. Member for Cavan (Mr. Biggar) was justified in raising a fresh discussion upon the Motion for going into Committee, and it need not excite surprise if, when we are in Committee, every clause and every line of every clause be subjected to the severest examination before it is declared to stand part of the Bill. What are we asked to do? Nothing, I am sorry to say, for which ample precedent may not be pleaded. I am sure that if, for the first time since the union between England and Ireland, a measure of this nature were introduced to the notice of Parliament, it would not only startle the people of England, but would awaken in them a sincere regret. English Members inside this House, and Englishmen and Scotchmen outside of it, are not our enemies. They want to be our friends if they only knew how; and I most truly believe that they have every desire to see Ireland happy and prosperous; for I cannot for a moment suppose that a powerful and generous nation like England—and which has a right to be generous because it is powerful, and because Ireland did not always fare so well at its hands as it has done in more recent days—should do otherwise than wish well to a country that is so intimately bound up with its own strength, honour, and fortunes. But hon. Members do not need to be reminded that good intentions pave the way in very opposite directions, and that it is the duty of legislators not only to intend to do the right thing, but to take every means of informing themselves what is the

right thing to do. Now, an Englishman said to me not long since—"I confess Ireland is a great puzzle to me; I don't understand it at all." Of course, no English Member of Parliament would make such a confession; for if he did it would add greatly to the force of the arguments, and would give additional plausibility to the policy of the hon. and learned Member for Limerick (Mr. Butt.) And yet I do fear considerable misconceptions prevail about the causes of the discontent of Ireland. There may be hon. Gentlemen in this House who know little or nothing about the habits, the houses, and the real characteristic thoughts of the Irish people. They have not seen them on their farms or in their markets, and Ireland may possibly be to them a great and inexplicable mystery. I am confirmed in this opinion by calling to mind that no less a personage than the present First Lord of the Treasury once undertook to account for the discontent of Ireland on the supposition that the people had been driven mad by listening to the moaning of the Atlantic Ocean. That may have been only a droll remark; but I know it was made on rather a serious occasion, in connection with the proposal to disestablish the Irish Church, and if that be an idea that could be even comically entertained by the leading statesmen in this House what sort of theories may not be entertained by those who are not statesmen? If there must be Coercion Acts until the Atlantic Ocean is either dried up or silenced then our case is hopeless indeed, and the effective remedy for Irish discontent must be indefinitely postponed. On what assumption is this Bill based? The Government tell us that they cannot govern Ireland without it. Perhaps so. I dare say that is the case. But the whole fault may not lie with Ireland, for the further question must be faced, and will be asked over and over again within these walls—at least, so long as there are Irishmen here to ask it—why cannot you govern Ireland without suspending the constitutional laws of the country? Of course, you must preserve peace at all hazards. You may be quite justified in confining the patient to his own room while you are administering restoratives; but what restoratives are you administering? I admit—and in doing so I am only making an admission that would be

as frankly made by the most ardent patriots of the House—that it is the duty of the Government to protect the lives and property alike of the highest and the meanest of Her Majesty's subjects in Ireland, for no Government could hold its place, or ought to hold its place, for one day that failed in this duty. But, at the same time, it would surely be more creditable to a Government if it could somehow preserve Irish life and Irish property by the same means that this is done in England and Scotland. I believe it can be done. There may be occasions when a short cut must be taken to secure tranquillity, and when the well-doing inhabitants of the country may be reasonably asked to surrender some of their rights for a time, so that the ill-doing may be punished or put out of the way. The Government says that the condition of Ireland at this moment is a case in point, and in defence of the particular measure proposed—a measure which we know is not as severe as some that have come before it—we are told that the meshes of this net are so constructed that good men will easily pass through, and only bad men will be captured. I am not so sure about that; for I have observed in net fishing that you very often enclose fish you do not want, and that you have a short supply of those you do want. I am not here speaking at random. The hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) some nights ago amused the House by a reference to the patriotic misfortunes of Irish Members of Parliament. No doubt a good many Irish Members have been in prison, because so many people get into prison in Ireland who ought not to be there at all; whereas in some of the countries that might be named people can go to and fro in the earth a long time and write an immense deal of libellous rubbish before they have the slightest chance of getting into prison. The fact is if Irish constituencies excluded all candidates for Parliamentary honours who have been in prison, the area of selection would be inconveniently narrowed. But, now, may I ask what sent these gentlemen to prison? Not always the common law of the country; but they were generally sent there for crimes which had been specially created by Act of Parliament. They were caught by Bills such as that now before the House. The

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Habeas Corpus Suspension Act caught the hon. Member for the county of Limerick (Mr. O'Sullivan), and the Party Processions Act caught the hon. and learned Member for Belfast (Mr. Johnston); for the martyrs are not all on this side of the House; and as for the future it is not all unlikely that this Bill will bear a plentiful harvest in the next Parliament. Now, Sir, I am not to be understood as arguing against the right of the Government to seek and to obtain exceptional measures for repressing social violence; but what I complain of is that this is almost the only thing that is being done, and that the thorough remedial legislation which was so far advanced in the last Parliament is not being carried to completion in the present Parliament. I heard last Session an appeal from the benches opposite—an appeal made by an Irish Member from his place immediately behind the Treasury bench—I refer to the hon. Member for Donegal (Mr. Conolly)—to the Government to go on applying remedies of a permanent and substantial character to the condition of Ireland. We on this side do not set up for being special guardians of Irish interests. Conservative Members know perfectly well—and the speech of the hon. Member for Donegal last Session showed it—that finality has not been reached in the application of remedy and redress. There is no use in foisting Party comparisons into a debate such as that in which we are now engaged. I believe the present Government is as anxious as the late Government to promote the prosperity of Ireland on its good behaviour. But it was the avowed aim of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) and his Administration so to govern Ireland that it might arrive at peace through the avenue of prosperity; and it would be a source of much regret if now, or at any future time, the order of idea should be reversed, and it should be laid down as a maxim of Government that it must be at peace at all events, and be left to take its chance for prosperity. A forced peace will never lead to a satisfactory social condition. Why, Sir, the Irish people have been far too much accustomed to believe themselves at war with this country. It may have been their own fault; but the plain and undeniable fact is that war measures have generated in them a kind of feeling

that they are, to some extent, justified in eluding them. They must be taught that the law is, and should be, the strongest thing in the country; but we ought to take care that the law, as far as possible, should be such as commends itself to the national instinct and conscience. The right hon. Gentleman the Member for Greenwich was exposed to much hostile remark for saying that Ireland ought to be governed by Irish ideas, and the sentiment was caricatured by representing the shooting of a landlord as an Irish idea. It is nothing of the kind. The Irish know very well that it is a dreadful crime to assassinate anybody, and they have resorted to this abnormal iniquity as a recoil from, and a revenge for, what they considered the violation of their ideas. They have peculiar ideas like all nations; and one of their ideas is that human happiness is wrapt up in the possession of a piece of land and in living upon that land from generation to generation. [Mr. WHALLEY: Oh, oh!] The hon. Member for Peterborough says "Oh, oh!" by which I understand the hon. Member to signify that he is shocked at such an idea; but the hon. Member's alarms have frequently before been excited on common-place occasions, and this is only another illustration of his extravagant sensitiveness. The great difficulty in governing Ireland from your standpoint consists in this fixed and ineradicable idea—the land is the life of the people; deprived of that they are helpless and hopeless. You talk to an Irish peasant-farmer about political economy; but he acknowledges no political economy which puts him out of his farm. You can print what you please in books, but you cannot print theories of Government upon the human heart. We may be very sorry that people, millions of people, should have become so perverted in all their conception of things that they actually consider their own lives and the lives of their children superior to the laws of supply and demand, and even object to go to the backwoods of Canada, and to the prairies of Nebraska, in obedience to these laws. But, so it is, and what can you make of it? It would be out of place for me to say anything just now beyond this—that in repressing agrarian crime something ought to be done in the direction of a further amendment of the agrarian laws, not in any

violent or revolutionary way, not invading the rights of property, but tending towards the utmost limits of indulgence; and if that is done you need not despair of making Ireland yet a strength and not a weakness to the empire. I will candidly say that, in my judgment, the social condition of Ireland is not at this moment such as would warrant the Government in dispensing with some special machinery for preserving the peace, and if the Amendment of the hon. Member for Cavan went in the face of that admission, I could not support it. But, as I understand the Amendment of the hon. Member, it only asks that the Bill shall be re-modelled, so as to show us clearly what we are doing—that everything vital and substantial should be put down at full length in the text itself, and that the liberties of Ireland should not be stolen away by the skeleton key of a schedule. Coercion by a clause may be legitimate; but I do not like coercion by a mere marginal reference. I dare say the lawyers who draft these Bills know best what is good for themselves. They are not a lazy race of men. They rather like taking pains to find out from an Act of Parliament what nobody else can find out. But the hon. Member for Cavan wants in black and white what it is that is being enacted—no more and no less. Hon. Gentlemen opposite will be slow to attribute any Party object to the hon. Member for Cavan. For though he generally sits on this side of the House, where, unfortunately, there is more room, he is known to be on occasions a loyal supporter of Her Majesty's Government. The Amendment is not aimed at the principle of the Bill; but reasonably puts in a plea for a modification of procedure. Now, I know enough of the North of Ireland to be aware that so long as party processions are sanctioned by law—and I am not saying that it was a mistake to repeal the Party Processions Act—it would not be prudent, as the shocking occurrence in County Tyrone on last St. Patrick's Day too well proves, to permit an unlimited supply of fire-arms to those who take part in such processions, or to those who take umbrage at them and try to stop them. We have, for instance, a remarkable state of things in the City of Londonderry and its neighbourhood. In that city there has been for a long period

of time a tolerably well-equipped army of young men, called "Apprentice Boys," deriving their name and their political lineage from the 13 young colonists who shut the gates of Derry against Antrim's Redshanks in 1688. These young men—and I have not one word or thought against them—being of undoubted courage, are in the habit of defending Derry twice a-year from the armies of King James the Second. They had for a great many years a park of artillery, consisting of some 12 or 15 pieces of ordnance, which they discharged from the walls of Derry, and sometimes, of necessity, discharged them over those portions of the city inhabited by classes of the population who very much disliked these celebrations and proceedings. Bad blood was the result, and party spirit ran so high that the Lord Lieutenant felt it necessary to proclaim the city and district around. These pieces of cannon were not licensed afterwards, and, consequently, they had to be removed to some place of secrecy, where they have been silent ever since. But counter demonstrations have been organized, and the Roman Catholics—for I regret to say these matters are regulated greatly by denominational interest, or supposed interests—say that if Derry is to be defended twice a-year when there is nobody attacking it they will, at all events, go through the form of taking it, and of marching round the walls; and round the walls they do march, not twice, but once a year. That is all well enough so long as the cannon is out of the way. But it is now freely said that if the Lord Lieutenant's proclamation is withdrawn, and the cannon brought back, the Roman Catholics intend to have cannon also. Even that might do if the two parties will agree to attack and defend Derry at different seasons of the year—the one on the 17th of March and the other on the 18th of December; but I have my doubts whether such an arrangement would stand, or whether it would not come to be considered too dull an affair for courageous Irishmen. The Protestants would think that Roman Catholic artillery on the walls of Derry would be unhistorical, and the Catholics would reply that they were going to make new history of their own, and the last condition of our city would be worse than the first. The Government cannot safely forego its power

to meet emergencies of this kind, and this is only one instance of the evils which spring—at least so far as the North is concerned—not so much from agrarian hatred as from party spirit, religious and political. I think, however, that there might be some relaxation of the rules for licensing fire-arms, especially in the case of farmers who require them for killing noxious birds and animals on their farms. I hope both sides of the House can take a reasonable view of the position in which we stand. I am quite sure that an extreme view on either side, however it may be dictated by conviction, will not promote the true and permanent interests of the country. It has sometimes been said that there are occasions when a Member of Parliament may discreetly gain for himself a little cheap popularity; but I think no popularity is cheap which requires a man to pay down his convictions as the price of it; and I will add that I have no reason to believe that there is any Member here from Ireland who would not do all in his power to save his country first of all, and then protect his seat afterwards. I trust this Parliament, conscious of its power, will resolutely advance in the path of indulgent legislation. Whilst bating no job of its claims upon the obedience of the people, let us not for ever keep our eyes fixed on the weakness and sins of the people of Ireland. They have also good qualities which may be fostered into a loyalty that will stimulate them to fight the battles of the Queen by sea and land as they have done before. The country grudges no power to the Government which may be needful to keep down disaffection; but when the end has been accomplished there remains still something to be done; and I can imagine few recollections that could or that ought to be more grateful to Ministers of the Crown and Members of Parliament than the remembrance that they had been instrumental in drawing aside the last veil and letting the full light of a happy National life break in once for all upon the care and sorrow of Ireland.

MR. O'CLERY gave his hearty support to the Amendment of the hon. Member for Cavan. The most dignified course of opposing the measure as a whole was leaving the onus of discussing its details to the Government, which, by the great majority of Conservatives and Liberals

which it had at its back that night, was determined to force on Ireland a measure so hostile.

MR. WHALLEY adhered to the opinion he had formerly expressed, that it was grievous hypocrisy on the part of the Government to endeavour to meet the difficulty of Ireland by coercive measures like this one. Was it to go forth to the world that the jurisprudence of this country, with all the power at its back, was unable to cope with ordinary combination, riot, murder, or agrarian outrage, which might occur in any English county? The real difficulty to be contended with was not the peasant's love of a bit of land, nor the attack and the defence of the walls of Derry, but a development of the world-wide conspiracy organized for the express purpose of assailing the free institutions of every Government that did not submit itself to domination. If there was one man in Europe who knew this, it was the Prime Minister; and it was outrageous that he, with the power he had, did not grapple with the real difficulty instead of coercing the people of Ireland. We knew it was the business and sacred duty of the Romish priesthood to organize the peasantry of Ireland and other parties there, not excepting the trades unions. They would not be true to the advice that had been given to them, and would not have as much common sense as he could pretend to himself, if they did not pursue that course, for Cardinal Manning had counseled them to subjugate and break the spirit of this country, and render the people subservient to the purpose they had in view. As the matter stood, however, he could not say he was going to support the Government by voting for this Bill. It was, in his opinion, an attempt to meet a difficulty known to history as a distinct organization which, under the pretence of religion, sought to keep the country in a state of turmoil and confusion. It was that with which they had to grapple, and it appeared to him that the honest and industrious people of Ireland ought not, under a mere pretence, be made to suffer by the provisions of such a Bill as the present.

MR. O'CONOR said, he need hardly assure the House that it was not his intention to reply to the hon. Member for Peterborough (Mr. Whalley) in his attack on the Roman Catholic

clergy of Ireland. That hon. Member's opinions on the subject were well known, and it was unnecessary for him to occupy the time of the House by any answer. He confessed that if the hon. Member for Cavan (Mr. Biggar) had moved the Amendment of which he first gave Notice—that the Committee on the Bill be deferred for six months—he could not have supported him; because such a Motion should only be made when the speakers against a Bill had been refused a fair hearing, or when the opinion of the House had not been fairly tested. In the present case it must be admitted that every opportunity had been given to Irish Members to discuss the Bill on the second reading; but he (Mr. O'Conor) submitted that the Motion now before the House was of a different character from any which had previously been brought before it. If there was one thing more than another which was necessary in enacting these highly penal laws, it was that their provisions should be perfectly clear. It should be clearly shown to those who would come under the Act what really were their liabilities; and he ventured to say that it would take a large amount of study on the part of an ordinary Irishman—who did not trouble to closely consider all the Acts of Parliament passed on this subject of coercion—to know what he might do and what he might not do. It would be equally impossible for him to decide what control a policeman had, and how far his duties went. He was satisfied if Acts of Parliament were passed in this form they would have a state of things in Ireland which would give the Law Officers of the Crown the greatest possible trouble. He desired that the Bill now under consideration should be withdrawn, and that another measure should be introduced which should clearly lay down what powers really were to be given; and he was satisfied that if this were done it would not meet with the opposition which this Bill encountered. The hon. Member for Cavan had given Notice of another Motion which he had not pressed, and which was directed against the re-enactment of the Westmeath clauses of the Act of 1871. For his own part, he would rather support a proposal against re-enacting the Act of 1870; because, although it was in some respects less subversive of the liberties of

the people, yet it was, in practice, far more irritating to the well-disposed persons in the country. He had opposed the Act of 1870 whenever its provisions came before the House, and he held that that measure had failed to carry out the objects it had in view. In order to establish this, he had only to refer to the speeches which had been made at the time that Act was passed, and what had since happened. The Bill of 1870 was not introduced in consequence of a general state of crime throughout Ireland, but because of the existence of crime in certain districts. The Chief Secretary of the day (Mr. Chichester Fortescue) himself said the Government did not rest the Bill of 1870 upon the condition of the whole of Ireland; but, on the contrary, they rested it on the condition of certain parts of Ireland, where the state of crime could not be successfully grappled with under the law as it then stood. In 1871 the noble Lord who was then Chief Secretary, and who was now the Leader of the Opposition (the Marquess of Hartington), came down to the House and proposed the appointment of a Committee, and what greater proof could they have had that the Act of 1870 had been a failure than that a year after it was passed a Committee of Inquiry had to be elected, and another Act passed to supersede it? The passing of the Westmeath Bill was clear evidence that the Act of 1870 had failed to carry out the objects for which it was introduced. That Act had subjected the loyal people of the country against whom it had been put in force to a great deal of unnecessary irritation, and it had done a great deal of mischief to innocent persons. Among other things, compensation was given to injured persons, and the amount of that compensation was levied upon those who had nothing whatever to do with the matter, and were in no way responsible for the injury. It was said truly that this was a return to the Saxon system of frankpledge, but he asked if that was any reason why, in the present state of civilization, they ought to revert to it? He should much have preferred voting in favour of a Resolution which would have condemned the Act of 1870, although he was aware there was also a great deal to be said against the Act of 1871. He was not going to argue that a case might not arise which could

justify an Act such as this. He would go further, and admit that if coercive legislation was to be introduced at all, he did not know of anything which would do less harm than the power of arrest; but before they put it in force it must be shown that there was a necessity for it, and not be satisfied with dealing in general statements. Well, then, had that necessity been shown to the House? for it was the duty of the Government to make out their case. They had rested their claim upon reports they had received from the magistrates, the Clerk of the Crown, the police, and others; but was this class of evidence satisfactory? He maintained that it was not, because there was no doubt that those who had reported in favour of the Acts would like them to be continued because it rendered their duties much lighter than they would otherwise be. It was always a most unfortunate thing, but it was, nevertheless, the fact, that when measures had been forced upon a country for some years people got accustomed to them, and did not like to part with them. He, however, did not believe the House would assent to such a proposition as this without having the strongest possible evidence before them. In 1871 the Acts were passed after a Report by a Select Committee, but now there was no Report, and no sufficient evidence as to their necessity, or why they should be further prolonged? He should, therefore, vote against all the provisions of the Bill.

MR. JOHN GEORGE MACCARTHY, in opposing the Amendment, assured the House that life and property in Ireland were as dear to those who opposed the Bill as they were to those who had introduced it. To English and Scotch Members the Bill was a matter of political interest only—to Irish Members it was one of deep personal moment, and concerned their lives, their property, their families, and the future of their country. Irishmen were ready enough to admit that for sufficient reasons the Constitution might, in the interest of freedom itself, be usefully suspended; but they objected to the Government acting on mere suspicion and on secret evidence which was not laid before the House. He had declined to pledge his vote to his Colleagues or anyone else until he had had an opportunity of hearing from Her Ma-

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jesty's Ministers what case they intended to make. He had had that opportunity, and he had listened to what the Government had to say. In their voice there had been a conciliatory tone which was more persuasive than eloquence itself; but this did not afford the House evidence that it was necessary to place in the hands of the Government the exceptional powers that had been demanded. That evidence either existed or it did not. If it did, why was it not laid before the House; and if it did not, how could it be said that the proposals of Her Majesty's Ministers could be reasonably maintained? So far as ordinary crime was concerned, Ireland, instead of being worse than any other part of Her Majesty's dominions, was much better. There was no evidence of conspiracy for special crime. It might be said that there was a suspicion of this; but was the Constitution to be suspended on suspicion? It was lately said by the Lord Chief Justice of England that no man—not even the humblest individual—should be convicted on suspicion. It might also be pleaded that the Government had private information; but were the liberties of the people to be whispered away? When Her Majesty's Ministers came into power, many of the Irish people had hailed their accession to office with some degree of pleasure, recognizing, as they did, the brilliant genius of the Prime Minister and the kindly spirit he had recently manifested towards them both in his speeches and his writings. They regretted, however, to find that the only boon Her Majesty's Government, after being a year in office, could present to them was a Coercion Bill. The feeling of the people of Ireland in reference to this House was that it was an alien Assembly. If the passing of the Bill depended upon Irish votes, it would not have the slightest chance of becoming law. The people of Ireland knew just as well as the Government that the majority of Irish Representatives were powerless to effect anything in that House except by leave of the British Members. They read, as hon. Members did, the comments made on that fact. They heard the observations made concerning a constitutionally elected majority of Irish Members. They heard this majority was so weak that they could not do anything to help

them—that they had been described as pariahs in the House. He trusted this state of things would not always exist; that the time would come when Her Majesty's Government would not be so strong that they could afford to overlook the wishes and interests of the Irish people. He asked those in whose hands the Government of Ireland rested to use their power generously and gently, and he respectfully cautioned them that if they did not do so they would create rankling feelings of discontent.

MR. M'CARTHY DOWNING said, that having been a Member of the Westmeath Committee, he felt bound to address the House upon this matter. He considered that the Irish Members had great reason to complain of the manner in which this Bill had been introduced to the House. Last Session, when it was proposed to re-enact the four measures of coercion in the Expiring Laws Continuance Bill, the then Attorney General for Ireland (Dr. Ball) informed them that the Government had been in office for such a brief period that they had not had time to consider how many of them they should abandon, and how many they might renew in distinct Bills. The Prime Minister had given them a similar assurance, doubting at the same time if it would be necessary to retain any of them; yet here was a measure in which they were all blended into one, and a measure which originally applied only to Westmeath was insidiously extended to the whole of Ireland. He was not a man who hesitated to express his convictions, and if he thought there was the least necessity for the renewal of any one of those Acts, he would openly avow it, even though he might lose his seat in consequence of doing so; but, speaking with an intimate knowledge of the greater portion of the country, he could say that peace now reigned in Ireland. The Government ought to have inquired whether there was any necessity for continuing the Coercion Acts. The Peace Preservation Act had worked successfully in putting an end to agrarian crime, and ought now to be discontinued. It had been directed against three classes of crime: against Fenianism, against sectarian conflicts, and against agrarian crime. Fenianism was now dead in Ireland. There was nothing now heard of it there. Sectarian conflicts were confined to some portions of

the Province of Ulster, and he could not see why the peaceful inhabitants of the other three provinces should be punished because of the illegal proceedings of the Orangemen in the North. In the South they lived in peace with each other, and no such thing as a party procession was ever heard of either in Cork or Limerick. He could not, in any manner, explain the grounds upon which the Government asked Parliament to give them these repressive powers. Their demand certainly received no support from the present state of the country in reference to crime. In the year 1874, there were only 216 cases of agrarian crime; but in 1869 agrarian crimes, in the shape of murders, attempted murders, firing into houses, and serious acts of that kind, numbered 1,360, and there were no fewer than 460 threatening letters. Yet it was under circumstances like these that the Government now came forward and stated that they required exceptional powers for maintaining order in Ireland, and that it was necessary that the Coercion Act should be renewed. The County of Cork was free from crime, but it had been proclaimed since the passing of the Act. The restrictions which those Acts imposed were of the most oppressive kind, and if English Members only knew what they were and how they operated, they would not be so ready to vote them as they appeared to be. He knew a gentleman who, going out for a day's shooting, had directed his servant to meet him with his gun. The man had not to carry it 50 yards to meet his master; but he was met by the police, and, as he had not a licence, the gun was taken from him. The gentleman lost his day's shooting, and could only get back his gun by writing to the Lord Lieutenant. Hon. Members might see from that one circumstance how thoroughly absurd and vexatious were Acts of this kind, for which, as he maintained, no sort of case had been made out. There never was, indeed, a case of less merit, or one less deserving the consideration of the House than that which had been submitted to it by the hon. and learned Gentleman the Solicitor General for Ireland, and he should give his hearty support to the Amendment.

Mr. FAY observed, that it must, no doubt, be pleasant to the occupants of the Ministerial benches to sit there and

say nothing whilst Irish Member after Irish Member rose to oppose the Bill. They might, if they pleased, treat their remonstrances with contempt; but that procedure would not gain for them the better feeling of the Irish people. It seemed to him a very questionable matter whether they would pursue the same policy in dealing with an English instead of an Irish question. He should support the Amendment, but from an entirely different point of view from that taken by his hon. Colleague in moving it. The object of the Amendment was a very proper one—namely, that the Bill should be so modified as to be brought into an intelligible form. All this coercive legislation for Ireland was in direct violation of the principles of constitutional government, laid down by so great an authority as Blackstone, whose writings, one would have thought, Englishmen could not so easily have forgotten. He would appeal to the Government and the House to abandon this course of coercive legislation, and relieve the people of Ireland of the stigma of being treated as incapable of being governed excepting by force of arms.

SIR MICHAEL HICKS - BEACH said, he hoped the House would pardon him if on this occasion he did not enter at any great length into the principle of the Bill, or the reasons which had led the Government, while recommending a very considerable mitigation of the provisions of the existing law, to propose its continuance in certain particulars. He had listened to nearly the whole of this debate, and with special interest to the remarks which fell from the hon. Member for the county of Cork (Mr. Downing). He thought, however, that if that hon. Gentleman had been in his place when he addressed the House on previous occasions in reference to this measure, the hon. Member would have seen that the policy of Her Majesty's Government in this matter was one of gradual relaxation, not only in legislation but also in administration; and that he had fair reason to hope that, if the state of the county the hon. Member represented were as he had depicted it, it would before long find itself under precisely the same laws as any part of England. The hon. Member had referred to the promise made to the House last Session by the Prime Minister and the present Lord Chancellor of Ireland; but he was somewhat

Mr. M'Carthy Downing

unfair in attributing to the Government that they had in any degree departed either from the letter or the spirit of that promise. As the House would recollect, this subject was discussed at considerable length when the Annual Continuance Bill was before the House last year. His right hon. Friend the Prime Minister then undertook that a separate Bill should be introduced this year dealing with the question, and that promise had been fully redeemed by the introduction of the present measure at an early period of the Session. The debate of that evening appeared to him to contrast somewhat unfavourably with that which took place on the second reading of the Bill. He did not complain that a debate on going into Committee had entered at great length not only into the principles of the Bill, but also into details which had far better be discussed in Committee; but he did think it was somewhat hard that their debate that evening should have been, he would not say enlivened, by a course of "readings" from *Blackstone's Commentaries*, from the evidence which was given before the Westmeath Committee of 1871, and from all the statutes that ever were passed on the subject of Peace Preservation in Ireland, interspersed with unusual and not very audible comments by the hon. Member for Cavan (Mr. Biggar). He thought it was somewhat hard, while those on the Ministerial side of the House had given a quiet hearing to this unusual kind of debate, that they should be accused by the hon. Member who had last spoken of having treated the arguments adduced by those on his side with silent contempt, and of not having taken part in this discussion. Why, the fact was, that after speeches of four hours' duration there was no time for any one on the Ministerial side to discuss the question at all; and he must add that, in his opinion, any reply had been by no means needed, for although he had listened with attention to all that had been said that night, he had not heard one single fresh argument adduced into the debate which was not adduced and fairly met on the discussion upon the second reading of the Bill. The hon. Member for Cavan and the hon. Member for Youghal (Sir Joseph M'Kenna) adhered to the remarkable theory that Ribbonism did not exist, at a time when a Committee of the House—

the Westmeath Committee of 1871—after hearing lengthy evidence, reported that Ribbonism was never so prevalent as then in Westmeath and adjoining districts. Every shade of English and Irish opinion was represented in that Committee. That Committee unanimously reported that Ribbonism had existed in that part of Ireland for years past; that it was then more prevalent than it had ever been; that it had led to murders, and a consequent system of terrorism of the gravest description; and that it interfered not only with agrarian subjects, but with almost every relation of ordinary life. If the evidence which led the Committee to that conclusion satisfied the hon. Member for Cavan and the hon. Member for Youghal that Ribbonism did not exist, it was hopeless for him (Sir Michael Hicks-Beach) to adduce any argument which was likely to meet with their assent. In reply to the hon. Member for Sligo (Mr. O'Connor), who had treated this subject with fairness and moderation, he might say, as he had said before, that the reason why the Government deemed it necessary to propose a continuance of this special Westmeath Act was that they believed that Ribbonism still existed, and was only restrained from breaking out by the existing law; that they were confirmed in this belief by the opinion of the magistrates of the county, who arrived at a unanimous decision on the subject at a very largely attended meeting; by the charges given by the Judges of Assize; and also by communications of a confidential nature, which could not, therefore, be stated to the House. It was improbable in the last degree that a conspiracy so deeply and widely ramified, and so ancient in its origin, should have been entirely extinguished by an Act which had lasted four years. The Government, therefore, felt it their duty, taking all these circumstances, and others to which he need not then allude, into consideration, to propose, for the limited period of two years, a continuance of this Act. He need hardly dwell upon the restrictions upon the possession of arms. The hon. Member for the county of Londonderry (Mr. R. Smyth) admitted most fairly that in the North of Ireland, with which, of course, he was best acquainted, the restrictive provisions with regard to the possession of arms were absolutely necessary. He (Sir

Michael Hicks-Beach) ventured to say no one could charge the Government with having administered those restrictive provisions with any unfair bias towards any part of Ireland. The hon. Member for Londonderry seemed to advise the Government to substitute for this kind of legislation some sort of remedial measure. The hon. Member appeared to want a new Land Act. He (Sir Michael Hicks-Beach) did not wish to discuss the advisability of such a measure; but he would remind the House that the existing Land Act of which the hon. Member spoke so highly was passed in 1870, and was followed in 1871 by such a crop of agrarian outrages that the Parliament of the day thought it necessary to pass the Westmeath Act to which he so strongly objected. That did not encourage the belief that, if the measure now before the House were dispensed with, a new Land Act would suffice to secure peace and good order in Ireland. It was not necessary to dwell at length upon the arguments which had been adduced on the other side of the House, many of them relating to points which might be fairly discussed in Committee, and others having been already met in the debate on the second reading of this Bill. The hon. Member for Cavan (Mr. Biggar) had placed upon the Paper a Motion dealing not only with the merits of part of the measure, but also with the form in which the Bill had been presented to the House. Upon consideration, the hon. Member had thought it wise merely to bring forward that part of his Motion which dealt with the latter question; and he had listened carefully, but in vain, to the speech of the hon. Member for any defence of his proposal. He had no wish to excuse the Government by casting any blame upon the draftsman, who was responsible merely for putting into shape the intentions of the Government. Those who presented the Bill to the House were alone properly responsible for the form in which it was presented, and in reference to the present measure he took upon himself all the responsibility. If it were a new measure, or one for consolidating the law, there would be some force in the objections which had been taken; but, as a matter of fact, the Bill was simply one to amend and continue portions of existing Acts. The Government, in

adopting what he must admit to be the somewhat involved provisions of one clause of the Bill, had simply followed the example set by their Predecessors in a section of the Act of 1873—a course which was rendered absolutely incumbent upon them by the fact that the Bill was one for continuance only. If hon. Members would turn to those points in which it was proposed to mitigate the existing law, or to repeal those parts of it which it was not thought necessary to re-enact, they would find the Bill clear and simple enough. When the hon. Member for Londonderry spoke of a skeleton schedule to steal away the liberties of Ireland, he made use of exaggerated language which was rather to be expected from below the Gangway than from the place which the hon. Member occupied in the House. ["Oh, oh!"] Hon. Members might interrupt; but he thought he remembered having heard very similar expressions from the hon. Member for Louth (Mr. Sullivan) in the debate on the second reading of the Bill. He would remind the hon. Member who had used the expressions he had just quoted that the schedule contained nothing that could steal away the liberties of Ireland, but simply consisted of the titles of the sections of the existing Coercion Acts which it was proposed by the Bill to repeal. The hon. and learned Member for Limerick (Mr. Butt) had Amendments upon the Paper which would again raise the question of drafting; but, as the Amendments were intended for Committee, he would not attempt to discuss them until that stage was reached. Upon the whole question before the House, he would say that no one had any desire to stop the free expression of Irish opinion upon a matter so important to Ireland. The course of the debate that evening and upon the second reading showed pretty fairly that when hon. Members from Ireland had anything to urge upon the attention of the House, the House was ready to listen to them, however much it disagreed from their opinions. There had been circumstances in the early portion of the debate that evening which made him express a hope that the readiness with which the House had listened to those expressions of opinion might not be taken unfair advantage of by hon. Members opposite. The

Sir Michael Hicks-Beach

House had listened, he was sure, with the greatest pleasure to the able and attractive speech with which the hon. and learned Member for Limerick concluded the debate on his side on the second reading, and he was confident that to similar speeches the House would always be ready to listen. Many Amendments appeared on the Paper to be discussed in Committee — some of them conflicting with the principle of the Bill, and therefore of a kind which the Government could not possibly adopt; perhaps to others they might be able to yield a ready assent; but he was convinced that all would be discussed fairly by the House, and that the arguments in their support would be treated with all the attention they deserved. Therefore, he asked hon. Members opposite whether they did not think they had already debated at sufficient length the general principle of the measure; and whether they would not do more real service to the country they represented, and more justice to the views which they held, by allowing the measure now before the House to be dealt with in the ordinary business-like manner, and, without further debate, arriving at a decision upon the Motion that the Speaker do leave the Chair?

CAPTAIN NOLAN drew attention to the fact that the Proposer and Seconder of the Amendment had finished their speeches at a quarter past 10, two hours ago, and if hon. Gentlemen disputed that he should recommend them to take a glass of the beverage which the Prime Minister advised them to take a few nights ago. The English Members did not like to get up and propose a Coercion Bill for Ireland; but some Irish Members of the Government did. They knew that this was not a popular measure in every part of Ireland; but they could hardly be dragged in to support it with their speeches. He made an exception in favour of the hon. and learned Member for the University of Dublin (Mr. Plunket) and his Colleagues; but the reason why they spoke was a very simple one. Their constituents were exclusive men, men who had got their degree of M.A., and they were a class representation — a class drawn from educated men; but the very fact that the Members for the University of Dublin were generally opposed to the wish of the population of Ireland was,

he thought, the strongest argument that could be adduced against class representation of any sort or kind. The right hon. Baronet the Chief Secretary for Ireland had told them that no promises were broken, and that their Amendments would be fairly discussed in Committee. He (Captain Nolan) should like to know which of the promises to the Irish Members had been kept by the Government. He should like to know where was the Municipal Privilege Bill which they were promised last year should be passed. Several Irish Members on the other side of the House objected to that Bill, and although the House of Commons kept their promise, it was broken in the House of Lords, who rejected the measure. He totally denied that this Bill was a relaxation. He said it was the worst Bill ever introduced by any Government. He acknowledged that some of its provisions were a little advantage; but anything conceded in the shape of relaxation was more than made up by the extended duration of the Bill. The county constituencies received no benefit whatever under this Bill. The Chief Secretary had no right to bring in any measure which was to take away their liberties. The right hon. Gentleman the Chancellor of the Exchequer had told them that there were in England 116,586 10s. gun licences, while in Ireland there were 3,578; but if the licences in Ireland were in proportion to the population, there ought to be in that country 25,000, so that there were upwards of 20,000 fewer guns in the possession of Irish farmers than there ought to be as compared with the number held in England. According to the statistics given by the Chancellor of the Exchequer, only one man in Ireland held a gun licence to six in England. This was a real grievance, and when the Irish Members went amongst their constituencies this sort of irritation was continually cropping up, and it would be a running sore throughout the whole country. When a free American landed in Ireland a stranger, he found that he was subject to a deprivation which was generally connected with slavery. History had recorded that the great difference between free men and slaves was that one was supposed to have free possession of arms, and the other was studiously deprived of them. How could the Government ask the people to

rise *en masse* to fight for them when they had been deprived of arms, and would naturally plead that they were unacquainted with the use of them? Supposing the country had to pay a war contribution like France, the people who had been deprived of arms would naturally say—"Let the rich pay the whole contribution; why should we pay any share of it?" Again, might they not object, when they were deprived of acquiring facilities of defence, to pay even towards the armament of the nation. He admitted that the Government might annoy and irritate the Irish people with perfect safety, but the danger was this—that when they attacked the Irish people very hard, a certain percentage of those evils would always fall upon the English people. It could hardly be argued that the possession of arms arose out of a passion for game. In every age and every country they had seen the passion for game pushing on the privileged classes. This Peace Preservation Bill, so far as it was backed up by the Irish magistrates, arose very largely from a wish for game, and it was good for the keepers to have one gun instead of five or six. In the last debate the strictures made by the Irish Members on crime in England were taken rather hardly. They did not say, however, that crime in England was greater than that of the ordinary civilized nations of Europe, but that crime in England was less than that of Belgium, and that in Ireland it was less than in England. And although this was proved to be the case from statistics which could be regarded as trustworthy, it was proposed to re-enact a degrading law against the country in which crime was at a minimum.

MR. O'LEARY moved the adjournment of the debate.

Motion made, and Question proposed,
"That the Debate be now adjourned."
—(Mr. O'Leary.)

MR. DISRAELI said, he hoped that after the debate of this evening, and the manner in which the Bill had been discussed upon the second reading, hon. Gentlemen would think it consistent with their duty to go into Committee. He observed that it was the same hon. Gentleman who moved the adjournment of the debate to-night that had moved the adjournment on a former occasion. That showed that the experience the hon. Gen-

tleman had obtained by his former Motion had had some effect in improving his Parliamentary management. He hoped he might be as successful in the appeal which he now made to the hon. Gentleman to re-consider his Motion as he had been before. If the House went into Committee, they would not proceed with the Bill to-night; but it would advance the course of business without having recourse to any of those extreme measures which he did not think desirable, but which the state of the Public Business might require. If the hon. Gentleman would withdraw his Motion, and allow them to go into Committee, they should be able on Monday at the usual and authentic hour to proceed with the Committee, fresh and eager; and their progress would perhaps be satisfactory to both sides. He had not himself listened to the whole of the debate; but that portion of it which he had heard had been sustained on one side at least with considerable interest. He was far from not admiring the mode in which Members from Ireland were conducting things. He did not share some of the objections which had been made even to the remarkable speech of the hon. Member who opened the debate. He had heard there was some originality about it. But the hon. Member for Cavan might, he thought, be content with what he had done to-night, for his speech was longer than the speech *De Corond* or *Pro Milone*, or any other of the great speeches that had come down to us. Hon. Gentlemen on the other side had had the whole evening for advocating their views, and though, as his right hon. Friend had stated, they might not have brought forward new arguments, they had had the immense advantage of repeating their views and increasing the impression which those views were calculated to make. He hoped, therefore, hon. Gentlemen would not insist on proceeding with the Motion for adjournment.

MAJOR O'GORMAN said, he should vote for the adjournment in order to give English Members an opportunity of speaking.

MR. BIGGAR said, he thought it desirable the debate should be adjourned, as a large number of Irish Members still wished to speak on the subject. He would never be put down by ridicule. The right hon. Gentleman at the head of the Government some

Captain Nolan

time ago told the House an absurd story about Prince Bismarck, and said it was not to that Prince he had referred in his Guildhall speech. ["Order!"]

MR. SPEAKER reminded the hon. Member that the Question was that the debate be adjourned.

MR. BIGGAR observed, that the right hon. Gentleman did not tell them who he did mean in that speech.

MR. O'CONOR POWER joined in the complaints that had been made by other Irish Members that Members opposite had maintained silence during the debate, and regarded that as another Irish grievance. He should support the Motion for the adjournment of the debate.

THE MARQUESS OF HARTINGTON suggested that if the Members for Ireland objected to the debate being then concluded the House might be asked to sit somewhat later than usual in order to finish it. The speech of the hon. Member for Cavan (Mr. Biggar) was a very remarkable one. Had such a speech been delivered from the other side of the House, or even from behind the front Opposition bench, it would have been received in a very different manner. But as it was, that speech was listened to with the greatest patience and the greatest consideration. He thought, therefore, the Irish Members should make some concession on their part, and endeavour to finish the debate that evening.

LORD ROBERT MONTAGU said, he had no objection to the debate being continued to a later hour on condition that some Member of the Cabinet should proceed to address the House. The grievance of the Irish Members was that the Government had refused to make out a case for the Coercion Bill.

MR. SULLIVAN, referring to a remark which fell from the noble Marquess, assured the House that the hon. Member for Cavan had spoken as he did, not from any pre-arrangement with other Irish Members, but totally on his own responsibility, and without having given them any previous intimation that he intended to address the House at such length.

MR. BUTT regretted the necessity for adjourning; but as several Irish Members had not yet been afforded an opportunity of explaining their objections to the measure, he should certainly support the Motion for adjournment. On

the occasion of the introduction of the last Irish Coercion Bill there was a debate extending over 11 nights, and on the tenth evening the strongest speech against the measure was made by the present Prime Minister. That fact reminded him of one of the most interesting incidents in political history; for in the *Life of Lord George Bentinck* the author called attention to the Nemesis which befell Sir Robert Peel at the very time when the message came down that the Bill for the Repeal of the Corn Laws had passed the House of Lords.

Question put.

The House divided:—Ayes 63; Noes 245: Majority 182.

Original Question again proposed.

MAJOR O'GORMAN: Sir, I beg to move the adjournment of the House. The last time I spoke here I spoke in irony, but I do not do so now. I beg leave to acquaint the House, and to inform the right hon. Gentleman at the head of the Government, that, if the liberties of my country are to be destroyed by a despotic and insolent majority, those liberties shall die hard.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. O'Gorman.)*

MR. DISRAELI: After the tragic address of the hon. Gentleman, I really do not think that the House would be in a condition to pursue this debate properly, and therefore I assent to the adjournment of the debate if the hon. Gentleman will alter his Motion according to the Form of the House.

Motion, by leave, *withdrawn*.

Original Question again proposed.

Debate *adjourned till Monday next*.

SHERIFF COURTS (SCOTLAND) (No. 2) BILL—SUMMARY PROSECUTIONS APPEALS (SCOTLAND) BILL.

LEAVE. FIRST READING.

THE LORD ADVOCATE, in moving for leave to bring in the two following Bills—a "Bill to alter and amend the Law relating to the administration of Justice in ordinary Civil Causes in the Sheriff Courts in Scotland," and a "Bill to alter and amend the Law relating to Appeals in Summary Prosecutions before

inferior Judges in Scotland"—said: I have to ask the indulgence of the House while I make a brief statement of certain points which I consider it to be right that the public and the legal profession should have in mind when considering the provisions of these Bills. In 1868, when the present Prime Minister was in office, a Royal Commission was issued for the purpose of inquiring into the constitution and jurisdiction of the various Courts, civil and criminal, in Scotland. The Commissioners examined many witnesses during the next two years, and after having issued some interim Reports, they issued their final Report in July 1870. The result of their investigations and Reports was favourable to the procedure before the Court of Session. It had been made the subject of legislation in an Act passed in 1868 which I had the honour to introduce, and I believe that the opinion of the public and of the profession generally is that there is no immediate call for further legislation in regard to the procedure in the Court of Session; and I venture to say there is no Court in the United Kingdom in which there is less delay in obtaining a decision on the merits of a cause than in that Court. But the proceedings before the sheriff courts call for immediate improvement. The object of the first Bill is to effect such improvement in the direction of the recommendations of the Commissioners. I wish to explain why the Bill is limited to the proceedings in the ordinary civil court of the sheriff. I consider that to embrace in one Bill all the points connected with the sheriff court would make the Bill too large, and that there might be much difficulty in passing it through Parliament this Session. The Bill is, therefore, confined to the jurisdiction and procedure in the ordinary sheriff courts in Scotland, and does not deal with the small debt or other courts not coming within the ordinary civil jurisdiction of the sheriff. These will form the subject of legislation hereafter. The Law Courts Commissioners recommend that the sheriff should have power to appoint tutors and curators, factors *loco tutoris* and judicial factors, where the value of the estate, heritable and movable, is sworn not to exceed £1,000, and that the officers, when appointed, should be under the superintendence of the Accountant of Court. I have given much

consideration to this recommendation, and am desirous, if possible, to give effect to it; but I have ascertained that there may be various practical difficulties which must be overcome before proposals giving effect to these recommendations can be laid before Parliament. I do not, therefore, intend to deal with these appointments in the present Bill; but another Bill will be required for the purpose of making some improvements with reference to proceedings before the Accountant of Court and also for extending his powers to judicial factors, and in that Bill, or it may be by Amendments in this Bill, I hope to give effect to the recommendation of the Commissioners to which I have just alluded. The Commissioners recommended that there should be an extension of the jurisdiction of the sheriff courts, by allowing them to judge in regard to titles and rights to heritable or real property—matters which are not at present within their powers. In most countries rights of real property have been reserved for the jurisdiction of the superior courts; but in the County Courts of England power has been given to the Judges in these courts, I believe, to entertain questions involving real property of the yearly value of £20, and I think the same power is vested in the Civil Bill Courts of Ireland. I propose that the sheriff courts in Scotland should have power to entertain cases involving real property of the value of £1,000, being about double the value admitted in England and Ireland. The defender may remove the litigation at the outset to the Court of Session, subject to the provision that even if successful in his defence he shall not recover a larger amount of expenses than that to which he would have been entitled if the litigation had proceeded in the sheriff court. The procedure clauses of the Bill follow the provisions of the Court of Session Act of 1868, which have given satisfaction and expedition in that court, and it is hoped may put an end to the considerable delays which exists in most of the sheriff courts. The second Bill which I move for leave to introduce is one in accordance with the English—Jervis and other—Acts, which permit appeals from Justices of the Peace and stipendiary magistrates on points of law submitted in a case approved of by the magistrate in regard to the facts held to be proved

by him, and it also allows a case to be prepared by a magistrate before whom a summary case has been brought, when he feels a difficulty in disposing of the case, or when there are conflicting decisions before other jurisdictions. This measure is also in accordance with the opinions of the Law Commissioners, and will be of advantage in cases where ordinary appeals at present are excluded, and will remove the unpleasant state of matters which exists when opposite opinions, as is sometimes the case, are given upon the construction of the same Act. When the law is laid down by the Supreme Court, in such cases there will be a rule for the guidance of sheriffs and magistrates, and the same decision will be expected to be followed by inferior Judges.

MR. KINNAIRD asked when the Sheriff Courts Bill would be read a second time?

THE LORD ADVOCATE said, on the 24th of May.

Motion agreed to.

Bill to alter and amend the Law relating to the administration of Justice in ordinary Civil Causes in the Sheriff Courts in Scotland, *ordered to be brought in by The LORD ADVOCATE, Mr. Secretary CROSS, and Sir HENRY SELWIN-IBBETSON.*

Bill presented, and read the first time. [Bill 135.]

Bill to alter and amend the Law relating to Appeals in Summary Prosecutions before inferior Judges in Scotland, *ordered to be brought in by The LORD ADVOCATE, Mr. Secretary CROSS, and Sir HENRY SELWIN-IBBETSON.*

Bill presented, and read the first time. [Bill 136.]

House adjourned at half after
One o'clock.

HOUSE OF LORDS,

Friday, 23rd April, 1875.

MINUTES.]—*Sat First in Parliament*—The Viscount Hill, after the death of his Father.
PUBLIC BILLS—*First Reading*—Pier and Harbour Orders Confirmation * (64).
Committee—Supreme Court of Judicature Act (1873) Amendment (No. 2) * (48-66).
Committee—*Report*—County Courts * (57).
Report—Indian Legislation * (59).

PRIVATE BILLS.

Ordered, That no Private Bill brought from the House of Commons shall be read a second time after *Thursday the 17th day of June next*:

That no Bill authorising any inclosure of lands under special report of the Inclosure Commissioners for England and Wales, or confirming any scheme of the Charity Commissioners for England and Wales, shall be read a second time after *Friday the 18th day of June next*:

That no Bill confirming any provisional order or provisional certificate shall be read a second time after *Friday the 18th day of June next*:

That when a Bill shall have passed this House with amendments these orders shall not apply to any new Bill sent up from the House of Commons which the Chairman of Committees shall report to the House is substantially the same as the Bill so amended.

PRIVILEGE.

LORD DENMAN called the attention of the House to a portion of the Protest against the Supreme Court of Judicature Act, 1873, which complained that at least one of their Lordships had been unfairly reported. He complained that a quotation made by him on the second reading of the Act for amending that Act on 6th June, 1874, from a speech of the noble and learned Lord now on the Woolsack (a copy of which quotation he had directed to be given to one of the reporters in the Gallery) had been placed in *The Times* as a portion of his speech, which deprived the opinion of the noble and learned Lord (Lord Cairns), then a Lord Justice of Appeal, of the weight which the first impression, as to any substitution for the House of Lords, would have made on the minds of their Lordships. The speech in *The Times* of June 6th, 1874, was never made as his own by him (Lord Denman). He was glad that these remarks were made in that House, when few Peers were present; but it was impossible for him to overlook the unfairness with which the debates on this subject were reported. He was indifferent as to being reported at all, but must call attention to the incorrectness which he had pointed out.

SUPREME COURT OF JUDICATURE ACT (1873) AMENDMENT (No. 2) BILL. (*The Lord Chancellor.*)

(NO. 48.) COMMITTEE.

Order of the Day for the House to be put into Committee, read.

LORD DENMAN said, that the inserting the Rules in the Bills instead of laying them (as was at first proposed)

on the Table of both Houses of Parliament made Amendments possible, whilst if merely laid on the Table like the schemes for schools, they could only have been rejected altogether if disapproved of. He (Lord Denman) considered the Question of having only Scotch and Irish appeals in this House and excluding English appeals, could only be altered by a vote initiated in this House, and he believed that the mere suspension of the Act of 1873 was not sufficient. He had prepared Amendments to the 2nd clause and to the original Act, but would not press them to a division. He quoted also from *Boswell's Life of Johnson*—

“A reflection having been thrown out against four Peers for having risen in opposition to the opinion of the twelve Judges of the House of Lords as if that were indecent. Dr. Johnson said, Sir, there is no ground for censure—the Peers are Judges themselves; and supposing them really to be of a different opinion, they might from duty be in opposition to the Judges who were there only to be consulted.’ In this conversation his biographer fully concurred with him for (he said) unquestionably the Peers are vested with the highest judicial powers, and when they understand a cause, are not obliged, nay ought not, to acquiesce in the opinion of the ordinary Law Judges, or, even in that of those who from their studies and experience are called the Law Lords. He considered the Peers in general as he did a jury who ought to listen with respectful attention to the sages of the law; but if after hearing them they have a firm opinion of their own, are bound as honest men to decide accordingly. Nor is it so difficult for them to understand even law questions as is generally thought, provided they will bestow sufficient attention upon them. This observation was made by Boswell’s honoured relation Lord Cathcart, who had spent his life in courts and camps yet assured him, that he could form a clear opinion upon most of the cases which came before the House of Lords, ‘as they were so well enucleated in the cases.’”

And with regard to the Appellate Jurisdiction, he (Lord Denman) expressed his opinion that there were abundant materials for an efficient Court of Appeal in their Lordships’ House.

EARL GRANVILLE: I rise, not for the purpose of renewing the debate of last Friday, nor of delaying the Bill—I merely wish to offer an apology, and to give explanations as to certain facts. I have learnt, from the usual sources of information, that the noble and learned Lord on the Woolsack complained—very good-humouredly complained—of my not having waited for his reply to a speech I made at the beginning of Friday evening. I might plead some circumstances in mitigation of my of-

fence. I am not an old offender. After the noble and learned Lord, and the noble Duke the Leader of the Government, I may perhaps compare not unfavourably with many Members of your Lordships’ House in the frequency and persistency of my attendance. I might urge that although I made an attack upon the Government for the withdrawal of the Bill, I showed a strong and sincere appreciation of what the noble and learned Lord had done up to that moment. I was replied to in two consecutive speeches by the noble Lord the Chairman of our Committees, one of the ablest debaters in the House, but also by the Secretary of State for India. I observed that, notwithstanding the great patience of the noble and learned Lord, he showed, perhaps unconsciously, by a very expressive pantomime, how tired and bored he was with the debate, which, by-the-by, entirely left the points on which my speech turned. And, lastly, I might observe that the absence of opponents did not appear to be a difficulty in the way in which the noble and learned Lord recapitulated our arguments and replied to them. But I admit that I was in the wrong, and accordingly offer my apologies to the noble and learned Lord. Having done this, I may be allowed not to refer to arguments used by us, or the replies to them, but to certain matters of fact. I mentioned in debate that although I could not previously tell whether any or many of my political Friends had been converted by the canvassing in and out of the House on the subject, I was glad to find that they had numerously come up in answer to a summons to support the Bill on going into Committee. The noble and learned Lord is reported to have flatly contradicted me—to have said that he could not see in the House the numerous hosts I had mentioned, and to have said that on one side of the House there were not 10 men on whom reliance could have been placed to support the Bill. I do not know on what authority that assertion was made. It happens that although we were not informed of the postponement of the noble Duke (the Duke of Buccleugh’s) Amendment on the day when it was settled, in which case we could have spared several of our Friends the inconvenience of coming to town. One of those noble Lords who undertake

Lord Denman

honourable and useful service respectively for both sides of the House learnt the fact on the afternoon of the day, and posted it at a Liberal Club. The result was that several Peers did not come to Westminster, and others went to hear a debate of a sensational character "elsewhere." But, notwithstanding these defections, your Lordships would like to know whether there were or were not more than 10 Peers ready to support the Bill. A list is always kept by the Clerks of the Table of the number of Peers who attend each day. On that day there were 12 Peers who almost always vote with us, and of these the noble Lord to whom I have alluded assures me that there were only six of those present who would have voted against the Bill. I believe his statement to be perfectly correct, but even if there were double that number, what becomes of the quotation of 10 made by the noble Lord? There was another fact on which they were agreed, but the inference of the noble and learned Lord that the small number of Peers on the night of the withdrawal of the Bill showed a want of interest in the Bill was extraordinary. For the complaint made by him (Lord Granville) had been that the Bill was withdrawn without Notice, and that only three Peers on his side of the House knew that a statement was to be made, and none knew that that statement was to end in the withdrawal of the Bill. I was unwilling to leave your Lordships under the impression that I had made an inaccurate statement. But the matter is now over, and all that I desire to contribute is to the object which the noble and learned Lord has in view—the best possible means of securing the administration of justice.

THE LORD CHANCELLOR: I can assure the noble Earl that I accept with the utmost sincerity the apology which he has thought it necessary to offer for his absence during my remarks on the second reading of this Bill; but I must say, that as far as I was concerned, no apology was necessary. With reference to what I said about the attendance of noble Lords on the Opposition side of the House, the noble Earl misconceived my intended reference. I alluded not to the day when the former Bill was withdrawn, but to the day when the Amendment was to have been moved by the noble Duke (the Duke of Buccleuch)

for retaining the Appellate Jurisdiction of this House; and certainly on this latter occasion I did not see 10 Peers on the Opposition side on whose votes I could have relied in opposition to that Amendment. Until I heard the explanation of the noble Earl, of course I did not know there was a reason why a larger number of the noble Lords who sit on that side were not then in their places.

LORD SELBORNE desired to give Notice that on the Report of the Amendments, he would enter at large into a vindication of the Judicature Bill of 1873, and of his reasons for declining to be a party to the 2nd section of this Bill, which suspended the operation of certain portions of that Act, and the 4th section, which provided for the constitution of the intermediate Court of Appeal. He would say "Not-Content" to those clauses; but as he did not wish to increase the difficulties in the way of his noble and learned Friend (the Lord Chancellor), he would not divide the Committee.

House in Committee.

Clauses 1 to 3, inclusive, *agreed to*.

Clause 4 (Constitution of Court of Appeal).

LORD COLERIDGE said, that while the scheme of an Intermediate Court of Appeal was unobjectionable under the circumstances in which his noble and learned Friend on the Woolsack was placed by their Lordships' decision last year, he thought the proposal in the clause to remove from the Judicial Committee of the Privy Council two out of its four paid Members was open to objection. At present the Judicial Committee worked extremely well, and its decisions were received with general satisfaction. This was owing in no small degree to the fact that the Committee gave a great deal of time to the discharge of its duties, and that the paid Members were enabled to devote their undivided attention to the great questions which came before the Committee. But the effect of this clause would be to remove two of those Members from the Committee by making them two of the ordinary Members of the Court of Appeal to be constituted by the clause. He was aware of the Amendment which his noble and learned

Friend intended to move with the view of compensating the Judicial Committee for the loss of those two Members. His noble and learned Friend intended to propose that one or more of the Lords Justices of the Court of Chancery might attend the sittings of that Committee. But it must be borne in mind that the two Lords Justices were to be Members of the Intermediate Court of Appeal which this clause would constitute. This Court would have to discharge a very large amount of business, and to this Court more than any other we should have to look for the moulding of the Judicature Act of 1873, and the bringing of it into good working order. Was it well, therefore, to weaken this Court by imposing on two of its Members the performance of duties on the Judicial Committee of the Privy Council? Perhaps this arrangement was forced on his noble and learned Friend; but even if that were so he could not but suggest to his noble and learned Friend that it was open to great objection. It was unadvisable to take two of the paid Members from the Judicial Committee, and the Amendment by which in compensation two Members would be taken from the ordinary Judges of the Court of Appeal provided by this Bill, only made matters worse. Without wishing to weigh Judges, he must express his opinion that the Lords Justices would bring great weight to the intermediate Court; and, therefore, he should regard it as unfortunate if their services were removed from that Court to anything like a large extent. He believed that his noble and learned Friend, like many members of the legal profession, thought that three Members were sufficient for such a Court of Appeal. His noble and learned Friend was, perhaps, somewhat misled on that point by his great and fortunate Equity experience. The Appeal Judges in the Court of Chancery were usually men of great judicial eminence; but it was not to be expected that another Court of Appeal could count on men of such eminence. Again, while in the Court of Chancery the appeal was from a single Judge to three Judges of great ability, in the Court under this Bill the appeal would be from an equal number of Judges, who—without wishing to weigh Judges—he might say would be of as great eminence as the Judges of Appeal themselves. Nay,

Lord Coleridge

more, the appeal to the Court under this Bill might be from two Courts; and it would not be satisfactory to have such an appeal reversed by a tribunal only equal in number to one of those Courts. Neither the Judges nor the Profession would be satisfied with the decisions of a tribunal such as his noble and learned Friend proposed to constitute, if he weakened the number of its Members in the way proposed. He should be glad that his noble and learned Friend could see his way to making a rule that in the Intermediate Court of Appeal there should be some Judges sitting from the Common Law side of the High Court and some Judges from the Equity side of the High Court. He disbelieved in the fusion of Law and Equity. He believed that Law and Equity were quite distinct; but he thought they might be concurrently administered, and he hoped they would be. He would call attention to one other point. In the Act appointing the four paid Members of the Judicial Committee it was provided that their services should be placed at the disposal of the State for any "Supreme Court of Appeal," which might be established. Now the Appeal Court constituted by this Bill was not a Supreme Court. The paid Members of the Judicial Committee did not complain of the proposal of his noble and learned Friend, nor did it enter his head to charge either the Government or his noble and learned Friend with anything like a breach of faith; but those right hon. and learned Gentlemen, while leaving the matter with Parliament, did think at the time of the passing of the Act under which they were constituted it was not contemplated that they should be called upon to give their services on any but a Supreme Court of Appeal. He asked his noble and learned Friend to look into this matter and consider the circumstances under which the paid Members of the Judicial Committee were appointed. He asked no more. The only object he could see for proposing to appoint those gentlemen Members of the Intermediate Court was to save expense. When he was in the House of Commons he had never shown a disposition to increase the public expenditure; but he was sure that the House of Commons would grudge no expenditure which might be necessary for the due administration of justice.

LORD HATHERLEY thought the intermediate Court should be made as strong as possible, with the view of diminishing the probability of cases being carried further; and he could not impress too strongly on their Lordships the necessity of having in that Court a strong infusion of both Equity and Law. The inconvenience of the present division was never more manifested than in an appeal that had come before this House during the present Session. It was a case in which the money at stake was as much as £40,000; but the question whether the person claiming had the right to receive the £40,000 never came before their Lordships' House at all. The question before the House was whether that person ought to have applied to a Court of Law or to a Court of Equity. He had applied to a Court of Equity, and their Lordships' House decided that he ought to have applied to a Court of Law. The last point referred to by his noble and learned Friend (Lord Coleridge) was worthy the consideration of his noble and learned Friend who had charge of the Bill. He had not then before him the Act appointing the four paid Members of the Judicial Committee, but he believed that it contained pretty nearly these words:—"To hold their office subject to any arrangement which Parliament may make for the constitution of a Supreme Court of Appeal."

THE LORD CHANCELLOR said, he was very anxious that the Court should be constituted in such a manner as to be as strong and efficient as possible, and his noble and learned Friend (Lord Coleridge) was right in treating this clause as the most important part of the Bill. He would discuss the constitution of the intermediate Court without reference to individuals—he preferred to speak of offices rather than of the persons who filled them. It was a mistake to say that this Bill proposed to constitute any Court distinct from the Court constituted by the Act of 1873. It took the Act of 1873, and it took what in that Act was the Supreme Court of Appeal, and it proposed to curtail the number of the Members which was to constitute that Court. By the second section of this Bill, the portion of the Act of 1873 which made the Appeal Court constituted under that Act a Supreme Court of Appeal was postponed:—the question of the Supreme

Court stood over; but in all other respects the Appeal Court, the constitution of which was dealt with by this fourth section, was the Court of the Act of 1873. Instead of following the Act of 1873 and saying there should be no further appeal, that provision of the Act was left in suspense; and as that suspension made the Court of the Bill of 1873 an intermediate one, it was proposed by this Bill that it should be constituted of a smaller number. The clause provided that the Court should consist of five *ex officio* and five ordinary Judges. The *ex officio* members were to be the Lord Chancellor, the Master of the Rolls, and the three Chiefs of the Common Law Courts. The ordinary or permanent members were to be the two Lords Justices of Appeal in Chancery, two of the salaried members of the Judicial Committee, and one other person to be appointed by letters patent. In consequence of the abolition of the Exchequer Chamber and of the regulation by which a smaller number of the Common Law Judges could sit *in banco*, the three Chiefs thought that each of them would be able to sit in the Court of Appeal for not less than six weeks in each year, and the Master of the Rolls thought he would be able to sit for the same period. That gave 24 weeks for the *ex officio* members, not counting the Lord Chancellor. He thought, therefore, the judicial strength of the Court of Appeal might be regarded as equal to six members always ready to attend. Not fewer than three were to sit in appeal for final decrees, and two at least were to sit for the hearing of appeals in which only interlocutory decrees were sought. He did not want to revive the discussion of the question of what was the best number of members for a Court of Final Appeal; but it had always seemed to him that the choice lay between three and five. The late Lord Kingsdown had the strongest possible opinion that the best number was three; and he said that when he found three sitting in the House of Lords he thought it better not to add to their number by sitting himself. He might observe to their Lordships that the business in which interlocutory orders would be required came almost exclusively from the Court of Chancery, and in that Court it was found that two Judges were quite sufficient to deal with it. Here he might

observe that while he hoped there would be in the Appeal Court always a sufficient number of Judges who were conversant with Equity and a sufficient number who were conversant with Law, and while that matter might be the subject of arrangement, no notice of such arrangement could be made in the Bill, because to make it the subject of legislative provision would be to again draw the line of demarcation between Law and Equity. As to taking two of the paid Members of the Judicial Committee of the Privy Council, it would be most gratifying to himself personally not to interfere with the Judicial Committee in any way; but the question was one of obligation towards the public—obligation to make use of the materials at command. He put aside for the moment the question raised on the Act of Parliament appointing the salaried Members of that Committee, and he assumed that they would assent to their being made members of the new Court of Appeal; and he calculated that by giving the Judicial Committee the services of one or more of the Lords Justices, when their services were not required in the Court of Appeal, the business both of the Judicial Committee and of the Court of Appeal might be efficiently performed on the plan proposed in the Bill. He was desirous that next Session, when Parliament came to consider the question of the tribunal which ought to be charged with the hearing of final appeals, Parliament should have four salaried Judicial Officers unaffected by the provisions of this Bill. The object held in view in respect of these officers was that next year Parliament should have before it four great salaried Officers who might be utilized in carrying out whatever Parliament might decide upon. If Parliament decided to strengthen the Court of Appeal and make it the ultimate Court of Appeal, these four Officers would be available for that purpose. If Parliament should look elsewhere and propose to rest the responsibility of deciding appeals in the last resort in some other direction, and should require the appointment of salaried Officers for the purpose, there, again, would be four regular salaried Officers available. That was the object he had in view in leaving these four Officers intact. The only other observation he had to make was in reference to the proposal in the Bill to call

on the several Members of the Judicial Committee to give their services to this Court of Appeal. He wished to speak upon this point with the greatest respect—the most tender respect—to the feelings of those eminent persons the salaried Members of the Judicial Committee. Some of them had long been his personal friends, and nothing would grieve him more than that he should be the means of making any proposal not agreeable to them. The Judicature Commission had, in fact, suggested the constitution of the Appellate Court, appeal from that Court being left to the House of Lords, as before. In 1873, Parliament provided for a Supreme Court. It provided, further, that one branch of that Court should have Appellate Jurisdiction, and that was the Court of Appeal spoken of in the present Bill, although it was not composed of the same number of members. He was bound to say that, according to the letter of the Act of Parliament, Parliament had called on these learned persons to afford their services to this Court of Appeal.

LORD SELBORNE said, on the present occasion he would not take the responsibility of proposing any Motion bearing on the constitution of the proposed Court, but he must say he quite sympathized with the eminent persons, the salaried Members of the Judicial Committee, to whom reference had been made, in their feeling, that the position in which it was now proposed to place two of them was different from that to which they had been led to look forward. At the same time, he could not say that he had himself at any time taken the view, that the Supreme Court of Appellate Jurisdiction in which, under the Act which regulated their appointments, they would be liable to be called upon to serve, must, upon the mere construction of the words of that Act, necessarily be one, from which no further appeal would lie to the House of Lords. But the Lords Justices were already members of the Judicial Committee, though not salaried members; and they already gave such assistance to the discharge of the business of that tribunal as was compatible with their other duties. He did not, therefore, think the Amendment with regard to the Lords Justices was necessary.

THE LORD CHANCELLOR said, that, after mature consideration, it appeared to him convenient to make the provision contained in the Bill. He would, however, move, as an Amendment, the omission of lines 8 to 11 in Clause 4 in order to insert the following:—

"One or more of the Lords Justices of Appeal shall, as far as may be necessary, and as far as the state of business in the Court of Appeal may admit, attend the sittings of the Judicial Committee."

LORD DENMAN thought their Lordships ought to consider the matter well before they abolished the Intermediate Courts of Appeal—namely, the Lords Justices Court and the Exchequer Chamber.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 5 to 15, inclusive, agreed to.

Clause 16 (Rules in Schedule in substitution for 36 & 37 Vict. c. 66 s. 69 and Schedule).

LORD WINMARLEIGH wished to call attention to the clause, which it seemed to him was calculated to inflict serious injury on the county which he lately had the honour of representing (Lancaster). The Court of Common Pleas in Lancaster was a superior Court, possessing the same jurisdiction and authority as the Courts at Westminster. In the Judicature Act of 1873, Section 78, expressly reserved to the Court of Common Pleas of Lancaster all the privileges and rights it enjoyed at that time—for the simple reason, he believed, that the processes were much less costly than in the Courts in Westminster Hall. But the 16th section of this Bill would authorize new Rules contained in the Schedule that would abolish the rights and privileges reserved to the Court of Common Pleas of Lancaster by the Judicature Act of 1873. He had been requested to submit to their Lordships that it was not just to abolish those rights and privileges.

LORD SELBORNE said, with reference to the Rules, that nothing could be more inconvenient than for Parliament to review in detail the work of the Judges; but he still thought that more adequate provision ought to be made by this Bill for the local business of the County Palatine of Lancaster. The case of the Court of Common Pleas

of Lancaster was as followed. It was in substance already a branch of the Superior Courts at Westminster, the Judges being the Judges of Assize, while appeals could be made to the Courts at Westminster on questions of law. But the local procedure was found sufficient for all the ordinary actions tried in that Court. That procedure with great facility enabled the local practitioners, without coming to London or employing London agents, to carry through the pleadings and preliminary proceedings, and to go on with the proceedings after judgment. The Act of 1873 contained ample power to continue the facilities referred to by the noble Lord opposite; and, in the two or three first drafts of the Rules made under that Act, exceptional provision was made for that purpose; but, in the final settlement of those Rules, the words relating to the Court of Common Pleas of Lancaster had been omitted; so that, under those Rules, an action commenced in the Court of Common Pleas at Lancaster might, at the option of any one of the litigants, be removed from that Court to the Courts at Westminster; and all proceedings for discovery and interpleader, and all taxations of costs and other proceedings after judgment, might have to be taken in London. He hoped the noble and learned Lord on the Woolsack would consider this matter before the Bill passed and communicate with the Judges, and it would be satisfactory to learn that he had been able to propose a modification which would in substance preserve to the inhabitants of the County Palatine the same facilities for local procedure which they had hitherto enjoyed.

THE EARL OF HARROWBY said, the preservation of this jurisdiction to the Court at Lancaster was desirable not merely for the convenience of practitioners, but for the interests of the commercial community.

LORD HATHERLEY said, he was as much opposed as anyone to the granting of privileges to one portion of the public which would not be enjoyed by the rest of the public; nevertheless, as experience had shown that these facilities for local procedure had worked well, he hoped the people of the County Palatine would have continued and secured to them the advantages they appeared to have had under the Act of 1873.

THE LORD CHANCELLOR said, the view taken of the 73rd clause of the Act of 1873 by his noble Friend (Lord Winmarleigh) was that it left intact the Court of Common Pleas at Lancaster in the position in which it stood previous to the passing of that Act. That clause he (the Lord Chancellor) thought did nothing of the kind. It merely took notice of the Court of Common Pleas at Lancaster and certain officers connected therewith, and of certain rules for its procedure under Act of Parliament; and transferred to the body of Judges appointed under the Act of 1873, the power of making Rules for the regulation of proceedings in the Court of Common Pleas at Lancaster. It was very obvious that any provision in the Act which rolled into one all the various jurisdictions of the country, leaving this single Court unassailed and unassailable, would have been entirely at variance with the spirit of the legislation entered upon at that time. The Schedule of the Bill contained Rules which had been approved by the learned Judges after long and anxious consideration. He had always been of opinion that considerably larger local power should be reserved to the Court of Common Pleas of Lancaster and that the District Registrars should have ampler powers than it would be right to entrust to Registrars in other parts of the country. He was not prepared to give an opinion as to what those ampler powers should be, but he would promise careful consideration to any suggestions which might be made by those who were interested in the question.

LORD WINMARLEIGH said, he would undertake that some definite proposal should be made to his noble and learned Friend.

Clause agreed to.

The remaining Clauses *agreed to*, with Amendments.

The Report of the Amendments to be received on *Thursday* next; and Bill to be *printed*, as amended. (No. 66.)

House adjourned at a quarter past
Seven o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 23rd April, 1875.

MINUTES.] — NEW MEMBER SWORN — Sir George Campbell, for the Kirkcaldy District of Burghs.

RESOLUTION IN COMMITTEE—Education (Scotland) [Parliamentary Grant]*.

SELECT COMMITTEE—Corrupt Practices Prevention and Election Petition Acts, Sir Colman O'Loughlen *disch.*, Mr. O'Connor *added*.

PUBLIC BILLS—Ordered—Newspapers Registration* [137].

Ordered—First Reading—Petty Sessions Courts (Ireland)* [138]; Towns Rating (Ireland)* [139]; Municipal Franchise (Ireland) (No. 2)* [140].

Committee—Report—(£15,000,000) Consolidated Fund*.

Considered as amended—Explosive Substances* [115].

PARLIAMENT—KIRKALDY DISTRICT OF BOROUGH'S RETURN.

AMENDMENT OF RETURN.

MR. SPEAKER called the attention of the House to the Return to the Writ for the Election of a Member to serve in this present Parliament for the Kirkcaldy District of Burghs, in the room of Robert Reid, esquire, deceased, by which it appeared that Sir George, of Edenwood, D.C.L., Knight of the Star of India, had been returned as Member for the Kirkcaldy District of Burghs; and a Member having stated, upon his own knowledge, that the Sir George, of Edenwood, D.C.L., Knight of the Star of India, mentioned in the said Return, was Sir George Campbell, D.C.L., Knight Commander of the Star of India, who had been returned as a Member to serve in this present Parliament, at the last Election for the Kirkcaldy District of Burghs:

Ordered, That the Deputy Clerk of the Crown do attend this House forthwith, with the last Return for the Kirkcaldy District of Burghs, and amend the same, by inserting after the word "George" the word "Campbell."

And the Deputy Clerk of the Crown amended the said Return accordingly.

PARLIAMENT—STRANGERS (PRESENCE AT DEBATES.)

NOTICE OF MOTION.

MR. DILLWYN gave Notice that on Tuesday he would move that—

"Whereas by the ancient custom of Parliament strangers are not to be admitted while the

House is sitting; and whereas inconvenience has arisen from the observance of this rule; and whereas also a Committee of this House, the Report of which was, on the 28th day of March 1871, ordered to be printed, recommended 'that strangers shall not be directed to withdraw during any debate except upon a question put and agreed to without amendment or debate;' be it resolved, that in future strangers who may have obtained admission to the House in the usual manner shall not be directed to withdraw during any debate except upon a question put and agreed to without amendment or debate."

NAVY—REPORT ON CRIME AND PUNISHMENT.—QUESTION.

MR. P. A. TAYLOR asked the First Lord of the Admiralty, Whether he will cause to be prepared and presented to the House of Commons, for the year 1874, a Report on Crime and Punishment in the Navy, similar to the Reports which were presented for the years 1862, 1863, and 1864; and, whether he will not continue such Reports yearly?

MR. HUNT, in reply, said, the expense of preparing these Reports was very great, and the advantage to be derived from them was not so considerable as to induce him to continue them.

MR. P. A. TAYLOR gave Notice that he should call attention to the subject.

THE ASHANTEE EXPEDITION—HONOURS FOR SERVICES.—QUESTION.

DR. LUSH asked the Secretary of State for War, Whether, having regard to the fact that in the distribution of honours and rewards after the Ashantee war combatant officers were rewarded in the proportion of about one in three of those engaged, medical officers in the proportion of about one in nine, he will give some assurance to the House that in any contemplated or fresh distribution of honours to the Army such a grave disproportion will receive his attention, with the view to its remedy?

MR. STANLEY: Sir, in the unavoidable absence of the Secretary of State for War, perhaps I may be allowed to answer the Question of the hon. Member. It is considered that the medical officers engaged in the Ashantee Expedition have received their full proportion of the honours and rewards bestowed on that occasion, and I am unable to hold out any definite assurance with regard to any future proceedings.

DR. LUSH gave Notice that on an early day he should call attention to the subject.

BURMAH—BRITISH SUBJECTS IN MANDALAY.—QUESTION.

MR. BROCKLEHURST asked the Under Secretary of State for India, Whether information has been received to the effect that the King of Burmah has refused to grant to the Resident at Mandalay a body-guard of one hundred soldiers for the protection of British subjects at Mandalay; and, in the event of the present negotiations with the King resulting in hostilities, if it is the intention of the Government to take such measures as may be necessary to secure the protection of the lives and property of British subjects in that city?

LORD GEORGE HAMILTON: Sir, no information has been received at the India Office to the effect that the Resident at Mandalay has asked the King of Burmah for the number of men stated in the Question. I think it more than probable that the present negotiations with the King of Burmah will end in a friendly settlement of the differences which have arisen between him and the Government of India. Should they, however, terminate otherwise, the Government of India will be prepared to adapt its action according to the circumstances in which it may find itself placed.

INDIA—THE GUIKWAR OF BARODA—PROCLAMATION OF THE VICEROY.

QUESTION.

MR. DUNBAR asked the Under Secretary of State for India, Whether the report which appeared in the evening papers relative to the Guikwar of Baroda was correct?

LORD GEORGE HAMILTON, in reply, said, that it was true the Guikwar was removed last night from Baroda. A Proclamation of the Viceroy of India had been issued that day deposing the Guikwar and his issue from the Sovereignty of the State of Baroda, but continuing the Native administration by permitting the widow of Khundee Roa, the late Guikwar, to adopt a member of the Guikwar's family.

ADULTERATION OF FOOD ACT, 1872—FUSIL OIL IN WHISKY.—QUESTION.

MR. MOORE asked the President of the Local Government Board, Whether his attention has been called to the evidence of Dr. Cameron before the Select

Committee on the Adulteration of Food Act, 1872, where he states, that in new whisky there is present amylic alcohol, commonly called fusil oil, a substance which he characterises as—

“A most objectionable ingredient, worse than any adulterant that can be put into whiskey;”

also where he says—

“There is this difficulty in new whiskey, that it contains fusil oil, and if you drink it when it is new the effect is perfectly maddening;”

and, whether he intends introducing any clause into the measure now before the House dealing with Dr. Cameron’s recommendation—

“That whiskey should not be allowed to be removed from the Government bonded stores until after the expiration of at least a year?”

Mr. SCLATER-BOOTH, in reply, said, his attention had been called to that paragraph in the Report of the Committee referred to. He was anxious not to introduce into the measure now before the House any provision applying to any particular article of food or drink; but the question of removing and retaining whisky in bond was under the consideration of the Chancellor of the Exchequer, who had promised to inquire into the subject.

PRIVILEGE—REPORT OF DEBATES AND PROCEEDINGS—RELATIONS OF THE HOUSE AND THE PRESS.

QUESTION.

THE MARQUESS OF HARTINGTON said, he rose to put a Question to the hon. Member for Louth (Mr. Sullivan), of which he had given him private Notice, and he must ask the indulgence of the House while he said a few words in explanation. The hon. Member for Louth had put a Question to the right hon. Gentleman at the head of the Government, Whether, in view of the present anomalous relations between that House and the public Press as to reports of public proceedings of the House and of Committees, it was his intention to propose some reform which, while maintaining the due control of this House over publication of its proceedings, should relieve the public Press from the hazards at which it now discharged important and useful functions towards that House and towards the Country? And the right hon. Gentleman was reported to have said, it was not the intention of

Her Majesty’s Government at present to introduce any measure of the kind referred to by the hon. Member. The result of the answer was that the hon. Member subsequently gave Notice that it was his intention, on the next sitting of the House, to call the notice of the Speaker to the presence of strangers. Before the hon. Gentleman put that Question to the Government several hon. Friends of his (the Marquess of Hartington’s) with whom he generally acted had formed the opinion that it was extremely desirable that an attempt should be made to place the relations between this House and the Press in respect to the publication of the reports of the debates and proceedings of the House on a more satisfactory, he might say, on a more reasonable footing. He understood that the Notice which the hon. Member for Louth had given was with the intention of forcing the House to take some further action in the matter. The subject was not altogether free of difficulty, as would be perfectly evident from the fact that it had been more than once considered in the House, and he believed once formed the subject of inquiry before a Select Committee, which, however, came to no definite conclusion on the matter. He was, therefore, not prepared at this moment to lay before the House the terms of any Resolution; but he could undertake to say to the hon. Member for Louth that he was prepared to call the attention of the House to the question; and as the Government had announced their intention of not dealing with it “at present,” which he concluded meant this Session, it was his intention to propose a Resolution on the subject. He therefore wished to ask the hon. Member for Louth, Whether, considering the peculiar character of the Motion fixed for that night, he intended to force the attention of the House to the anomalous relations between the House and the Press?

MR. SULLIVAN: Sir, I, too, will ask the indulgence of the House, though my sentences shall be very few indeed. These personal episodes and interludes have become almost too frequent and too disagreeable. I had not the remotest idea—indeed, it would be quite repugnant to my feelings—of “ballooning” myself into momentary notice by raising a question of this kind. I ask the indulgence of the House while I, in justice to

Mr. Moore

myself, point out that I did not put such a Question to the First Minister of the Crown until circumstances of the gravest magnitude had shown us that a state of things which no Member of this House would venture to defend, sometimes called obsolete, always absurd, had been invoked upon the head of the Press of this country by an hon. Gentleman on the other side of the House. Reference has been made to the proceedings of the Committee in connection with the representations of the Press in England. ["Order!"]

MR. SPEAKER: I must point out to the hon. Member that, in answering the Question put to him, he must not enter into any discussion of the matter.

MR. SULLIVAN: Sir, I desire to be held within what are the correct limits upon the present occasion, and I have not the remotest desire to prolong a scene like this. I wish to assure the House that in the Motion I made I was moved by the sternest sense of duty, feeling that this monstrous power given to one Member should be borne no longer. Nothing has been done, and, I believe, nothing would have been done for years to come, if I had not incurred the momentary unpopularity which I am perfectly sure I shall incur by this course. In view of the fact that one of the Leaders of this House, feeling the responsibility of his position, has given an assurance to the House, the country, and the Press, that this matter will be brought on at an early day—as by that, my whole object has been achieved, for I had no other object in view—I am prepared, Sir, to say that I shall not proceed in the course which I had stated it was my intention to take.

LORD ROBERT MONTAGU said, he had a Notice of Motion on the Paper on this subject; and he should be happy to withdraw it in favour of the Motion of the noble Marquess.

THE QUEEN v. CASTRO—

THE TRIAL AT BAR—ADDRESS FOR A ROYAL COMMISSION.

MR. DISRAELI: I beg to move, Sir, that the Orders of the Day be postponed until after the Motion relative to the trial of *The Queen v. Castro*.

Motion agreed to.

DR. KENEALY: Sir, I rise to move—

"That an humble Address be presented to Her Majesty, praying Her Majesty to be graciously pleased to appoint a Royal Commission, to consist of Members of both Houses of Parliament, to inquire into the matters complained of with respect to the Government Prosecution of *The Queen v. Castro*, and to the conduct of the trial at Bar, and incidents connected therewith, and certain incidents of the said trial which have occurred subsequent thereto."

I have thought it better, Mr. Speaker, on due consideration of all the circumstances connected with the case, to move for a Royal Commission, which shall consist of Members of both Houses of Parliament, rather than to move for a Select Committee. I am afraid the public generally—it is not for me to say whether rightly or wrongly—have an impression that there is a large, an overwhelming, probably I might not be wrong if I said almost an unanimous body of hon. Members in this House who have formed a very strong opinion upon the case, and therefore a Select Committee, appointed by this House, would not command so much confidence, or give so much general satisfaction to the English nation as would a Joint Committee consisting of Members of both Houses. I am anxious, therefore, that into this Royal Commission the element of the Lords should be introduced, because I have seen or heard nothing to justify me in supposing that there is the same strong opinion formed in the Lords as I am afraid is formed in the Commons. There is another reason also why I should like some of the most eminent Members of that House to be joined in the Royal Commission. It has been my lot, as it has been that of most lawyers, to study the decisions of the House of Lords; and I think I may safely say that no decisions in the world ever commanded, or have been worthy to command, such universal approbation as the decisions of the House of Lords. When one contrasts those decisions with those given in what are called the Inferior Courts, it seems like travelling from darkness into sunlight. I am anxious therefore, if there should be a Royal Commission granted, that it should be one which would command the very greatest amount of faith in the country, because of the Members of whom it should consist; and I believe a great portion of that faith would be affected if there were not Members of

the other House joined in it. Now, Sir, I do not intend on this occasion—nor did I ever intend—to re-try the Tichborne Case in this House. I do not intend to deal with any of the puerilities or the technicalities of the law that occurred in that Case. I do not intend to take a *Nisi Prius* view of it—I leave that to any little lawyers who may follow me. I wish to draw the statesmen of the House into the controversy, because I believe this is a matter for statesmen and not for pettifoggers. If the statesmen on both sides of this House were as well aware as I am of the mighty feeling throughout the nation which this great issue involves, I am perfectly certain they would reserve the discussion of it for themselves, because it is they only who are likely to solve this great and momentous issue. I presume it will be conceded that I ought to know something about this Case. There are a great many hon. Members here who, no doubt most conscientiously, have come to a definite conclusion in the matter, and fancy they know more about it than I do. If I might offer very respectful counsel to those hon. Members, I would ask them to consider for a moment and to ask themselves whether it can be possible that any private individual in this House, no matter what his opportunities may have been, no matter how carefully he may have studied the newspaper reports, can possibly have that knowledge of the Case which I, fortunately or unfortunately, possess. I have not brought forward this matter, nor have I taken any very active part in its discussion throughout the country, from any wonderful admiration which I had for my client. Everybody knows that while I endeavoured to do my duty to the man, I made no secret that he was no hero in my estimation. Therefore, I hope it will not be imagined for one moment that any false sympathy with him, or undue admiration for his character, is the reason why I have taken a prominent part in this agitation. I have taken it up simply and solely as a matter of duty, as a matter which I believed I was bound to take up, unless I was a traitor to every principle of honour and justice. Therefore, I hope that Gentlemen will listen to me, not speaking here as an advocate—I am not one—but as a man who knows thoroughly the history of that prosecution,

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and who feels it his bounden duty to bring the conduct of that prosecution before this Grand Inquest of the nation. Although I never was vain enough to imagine that I could meet with unqualified success here, still I do sincerely hope and trust, for the sake of the high character which the House of Commons ever has maintained, and ever must desire to maintain, in the country, that it will not rashly or harshly decide in its refusal to grant a Royal Commission. No harm can be done by inquiry; on the contrary, a very great deal of good may result from it, because if the matters which are now agitating the minds of so many millions of the people are false and groundless, the Royal Commission which I ask for will demonstrate their falsity and groundlessness in a very short time, and in the most conclusive way. There will then be no subject-matter for complaint whatever, and the precedent of the Tichborne Case, which so many people now challenge, will be one of which we ought afterwards to be proud, and not ashamed to follow. The opinions that have been formed here have probably been formed in a great measure from reading what are called summaries of the trial in the newspapers. There is no doubt a very great number of persons in this country—I have met them myself—who have followed with great care the evidence taken from day to day, and who are masters of that evidence to an extraordinary degree. Nevertheless, I can hardly imagine that the large body of Gentlemen here have all followed that evidence with the amount of precision which would be required to form an accurate judgment of the Case. In all probability they are engaged in business or fashion, or in other pursuits during the day, and have contented themselves with deriving their knowledge of the Case from the summaries in the newspapers, and assuredly if they found their knowledge on those summaries I can assure them that they are untrustworthy in the highest degree. Some hon. Members, as I understand, are very much struck by the fact that there is in this Case a concurrent verdict of two juries. But it is within the experience of every Gentleman here that the verdicts of juries are set aside every day on the ground that they are wrong or against evidence, or on some other equally satisfactory ground. We ourselves do not

require to be told that over and over again the Home Secretary has taken upon himself the responsibility, often with the sanction and approval of the country, of reversing the opinions of juries. The right hon. Gentleman very recently reversed the decision of a London jury in the case of the Countess de Civry, who was convicted and sentenced by a most learned Judge after she had been most ably defended and after evidence had been given, I think, on both sides. But circumstances came to the knowledge of the right hon. Gentleman which convinced him that the jury were wrong, that the Judge ought not to have received their verdict, and that justice would be best done by his interfering and liberating the lady. As to the Tichborne Case, without meaning to cast any imputation upon the right hon. Gentleman, it would appear as if he were ready to re-open every case but that. Probably, the right hon. Gentleman has had no time to enter into its particulars, merits, and details. I do not know what may be the reasons which may be operating upon his mind; but I think even he will hardly deny that he is thoroughly sick of it from beginning to end, that he looks with a species of dismay upon any new Motion or Petition in the matter, and that he would gladly get rid of it by some means if he could do so consistently with a sense of duty and honour. I trust that the right hon. Gentleman will aid me in getting a Royal Commission. I am perfectly sure that no decision which the House may come to to-night adverse to the Motion will ever content the people of this country; and if the right hon. Gentleman and his Colleagues really wish to quell what I must almost call the growing dissatisfaction in the country upon this matter; to reconcile all Englishmen together as if in one holy and fraternal bond, his plan will be to have the matter inquired into which has been made the subject of so many Petitions by our countrymen from all parts of the nation, and thus allay for ever any discontent or dissatisfaction which may be felt throughout the country. That is what statesmen have done in former times, and what I hope statesmen will always be prepared to do. Certainly, a more statesmanlike or dignified course than that of granting me the Commission for which I ask I can scarcely conceive.

I do not know how it is, or why it is, that in the Tichborne Case there should be a general impression that justice has not been done. As a rule, we all know perfectly well that there are no people in the world who are so fond of abiding by the decisions of our legal tribunals as the English people are; and it must be, indeed, some extraordinary state of things which produces the ferment we now see raging all around us. A fact not unworthy of consideration, as I mentioned to hon. Gentlemen the other night, is that the German nation agrees with the English people generally that justice has not been done; and I myself have received numerous letters from various parts of America showing that there is a widespread feeling in the United States also condemnatory of the manner in which this case has been conducted. The intense disaffection that prevails in the country has not been caused by me, as has been falsely pretended. That disaffection has existed from the time of the first trial in the Court of Common Pleas. Everyone knows that during that trial great discontent was expressed. I do not mean to enter into the merits or demerits of that trial, nor is it my purpose to show whether that discontent was wisely founded or not; but certainly the conduct of the Chief Justice then did provoke frequent remonstrances from the unhappy Claimant when he was under cross-examination. With those remonstrances a large body of the people sympathized, and we know quite well that after the failure of the Claimant's case in the Common Pleas, when he made various journeys through the country, he was received almost like an Emperor or King in the large towns, followed by thousands and thousands of people who were convinced that justice had not been done to his case. From that time the discontent has been gradually increasing. From that time the discontent, which may be said to have risen as a mountain stream has now grown into a mountain torrent, which is rolling over the land. This I mention for the purpose of repudiating, as strongly as I possibly can, the false idea attempted to be propagated, that I am answerable for the present disaffection throughout the country. On the contrary, it was in a great degree the conduct of the late Government which was the cause of this

disaffection. It was the extreme, the almost Russian, measures of despotism and apparent persecution which they adopted in the prosecution of this matter that, in my humble judgment, first gave the impetus to that which has grown, as it were, into an overwhelming ocean. It was that conduct which has seated right hon. Gentlemen on the benches opposite, and placed the Members of the late Government in the cold shade of Opposition. My client has been, in fact, the best friend which the present Government ever had. I do not say that their entire success has been owing to the extraordinary behaviour of the late Government in reference to that prosecution. I think those right hon. Gentlemen were entitled to the respect and gratitude of the country for having passed the Reform Bill of 1867, and they will still more entitle themselves to the gratitude of the country if they continue in the course they have hitherto pursued, and give no countenance to the Judicature Act, and things of that kind. Another reason why, in my humble judgment, there is such a powerful feeling in this country is, that it is the reaction against the Reign of Terror which was set up by the Court of Queen's Bench before and during that trial. I need hardly call the attention of hon. Gentlemen to the feeling then generally experienced that the doctrine of Contempt so-called was pushed to an extent that had never been known, or thought of, or contemplated in any free country before. That every Court should have a right to punish Contempt committed before it no lawyer will dispute. I believe it was the Court of Chancery which first pushed the idea that they could punish for Contempt that was not actually committed before their eyes; but the Court of Queen's Bench went a length that no human being ever dreamt of, and established a system in this country which, in my humble judgment, is subversive of the Constitution and entirely destructive of the rights of the British people. Therefore, the feeling that is now existing among so many millions is a powerful and just re-action against that Reign of Terror, and I should be ashamed almost of the spirit of my countrymen, if they did not, as it were, constructively rebel—of course, I mean it in a constitutional manner—against a doctrine of that nature, which

during the trial muzzled all free thought and free expression of language in England; which made us for the first time in our lives almost dread to say our souls were our own, and against which, I am sorry to say, no Member of the late Government had the courage to rise up and enter his protest. Everybody seemed at that time cowed and muzzled. I do not know why, because I am sure the power that thought to do it was not strong enough to succeed, if it had been resisted at the moment; but now you have a re-action, and a most proper reaction, against that state of things. The British mind was chained and fettered; the people were prevented from expressing their thoughts during that time upon what they conceived to be the unparalleled wrongs of that trial, and I do not wonder if they are now banded and united together as one mighty man, for the purpose of raising a powerful, I hope a successful voice, against the doctrine of Contempt of Court as carried into practice by the Court of Queen's Bench. There is one great trial which the Members of this House will perfectly remember, and it had analogies which they ought to apply to the present circumstances—I mean the trial of Lord Cochrane before Lord Ellenborough. The two cases of Cochrane and Tichborne seem to me to be pretty much analogous. Cochrane received very little justice from Lord Ellenborough, and I am prepared by-and-by to show what justice Tichborne received from his Judges. But there was an outcry raised against Cochrane in his day, as there is an outcry raised now against Tichborne, and Cochrane was made the victim of that wicked outcry, and he was convicted and punished, and expelled from this House. And what subsequently took place? After the services of that great and glorious hero—because a hero he was in the truest acceptation of the term—had been lost for a whole generation to his country, the country, when it was too late to do him tardy justice, reversed the whole of the abominable judicial proceedings of which he had been made the victim, reinstating him, as it were, although only partially, in his rights; but it never could recompense him for the 30 years of his life that had been lost, and for the misery that he had suffered. If the trial and verdict in Lord Cochrane's case were bad, and false, and disgrace-

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ful to the country, let not the present House of Commons, in the name of justice, allow those who shall come after us to brand by the same name, the equally-infamous trial and verdict in the Tichborne Case. If the House does not enter into a full inquiry now, posterity will brand it in the same way as all honest and righteous men brand the shameful proceedings in the trial of Lord Cochrane. As some precedent for this language may be wanted, I hope I shall be pardoned if I read a passage from the speech of Mr. Edmund Burke, which he made in the House of Commons, December 6th, 1770, when Serjeant Glynn moved that a Committee be

“Appointed to enquire into the Administration of Criminal Justice, and the Proceedings of the Judges in Westminster Hall, particularly in cases relating to the Liberty of the Press, and the Constitutional Power and Duties of Juries.”

At that time, as I need hardly remind the House, it was taken as the accepted law of the land, and was laid down indeed by the Judges in their usual infallible way, that in cases of libel, the jury had nothing whatever to do with the question whether the matter complained of was libellous or not. The only issue left to the jury, was whether there had been a publication or not. That had gone on, unchallenged, though not unmurmured at for a great many years; Judge after Judge laying it down as a matter of absolute and unquestionable law. The feeling of the country at length rebelled under so unconstitutional a perversion of the rights of the people: and Serjeant Glynn, as the mouthpiece of the country, moved for the Committee, and thus struck the first blow at the abominable and most illegal declaration of the law which His Majesty's Judges had propounded: and he eventually succeeded in placing the law on its present footing. On that occasion Burke said—

“Have not the greatest lawyers, the profoundest casuists, and the staunchest patriots erred? Why, then, should the Judges be thought exempted from the common lot of humanity? Why should they be deemed infallible more than other mortals? Believe me, the wisdom of the whole nation can see farther than the sages of Westminster Hall. . . . Sir, my reverence for the Judges, against whom the popular cry is now so loud, will not deter me; because I know all Judges are but men. Not only former Judges, but juries have erred. Why not the present? Yes, Sir, juries have erred, and they may err again. When they do, I shall be as

ready to inquire into their conduct as I am now into that of the Judges. Gentlemen may talk of their great respect for juries, and their readiness to acquiesce in their determinations; but I am not disposed to be so complaisant. I will make no man, nor any set of men, a compliment of the Constitution. It is too valuable an inheritance to be so lightly relinquished. When the actions of juries are praiseworthy, let them be applauded; when they are criminal, let them be punished. Popularity should not be bought at so high a price. For my own part, let the malicious and the ungenerous say what they will, I am a blind follower of no man, nor a bond slave to any party. I have always acted according to the best information of my judgment, and the clear dictates of my conscience. On this occasion I solemnly protest before God, that I entertain no personal enmity against any man, nor have I any interested schemes to promote. My sole object in supporting the proposed inquiry is the public welfare and the acquittal of the Judges. For I am satisfied that an acquittal will be the consequence. In acting thus, I think myself their best friend, because no other plan will clear their character. Till this step is taken, in vain do they pretend to superior sanctity; in vain do some Gentlemen tread their halls as holy ground, or reverence their Courts as the temples of the Divinity. To the people they appear the temples of idols and false oracles, or rather as the dwellings of truth and justice converted into dens of thieves and robbers. For what greater robbers can there be than those who rob men of their laws and liberties? No man here has a greater veneration than I have for doctors of the law; and it is for that reason that I would thus render their characters pure and unsullied as the driven snow. But will any of you pretend that this is at present the case? Are not their temples profaned? Has not pollution entered them, and penetrated into the Holy of Holies? Are not the priests suspected of being no better than those of Bel and the Dragon, or rather of being worse than those of Baal? And has not, therefore, the fire of the people's wrath almost consumed them? The lightning has pierced their sanctuary, and rent the veil of their temple, from the top even to the bottom. Nothing is whole, nothing is sound. The ten tables of the law are shattered and splintered. The ark of the covenant is lost, and passed into the hands of the uncircumcised. Both they and ye are become an abomination unto the Lord. In order to wash away your sins, let Moses and the prophets ascend Mount Sinai, and bring us down the second table of the law in thunders and lightnings; for in thunders and lightnings the constitution was first, and must now, be established. Let the Judges mount up to the source of precedents and decisions, and trace the law clear and unpolluted along the stream of time, and the silent lapse of years. Let them march in procession to this House, ushered in by a long train of precedents, and opinions, and lay them all in a bundle in the middle of the room. Then, and not till then, will they stand justified. In vain do you trust to the virtue of the furred gown, or to the magic of that bauble, as Cromwell truly called it. They confer neither real power, nor, what is often its parent, a fair character. These desirable possessions are acquired by an upright conduct, and

the confidence of the people."—[*Hansard, Parl. Hist.* xvi. 1267-8-9-70-71.]

I hope that Gentleman will bear in mind that lofty language, for it is considered, at present, a species of blasphemy to utter a word against the supposed infallibility of the Bench. I trust that those words of one of the greatest of men will not be forgotten, but will be carefully borne in mind, when they come to consider of the decision which they are asked to give in the present case. Serjeant Glynn failed, it is true, in his Motion, as I shall probably fail in mine, but he sowed the seed from which sprang up afterwards a glorious tree; and in the result, though beaten for the moment, he established the rights of juries, and maintained the liberty of the Press. Sir, before I enter into the matter to which I wish more particularly to call the attention of the House, I think I ought to be permitted to state one or two of the reasons—I shall be as brief as I can—which have convinced me that my client was truly the man whom he represented himself to be. In the first place, a more perfect gentleman than Tichborne never crossed a drawing-room. I do not now merely give my own opinion on the matter, but that of Noblemen and Gentlemen of high position in society with whom that unhappy man was accustomed to live in familiar intercourse. I myself may not be a very wonderful judge of these things; but I suppose and hope I have some judgment, and I must say that he impressed me from the very first moment of my intercourse with him to the last as being in all externals of grace and manner as complete a specimen of a gentleman as I ever met. I never heard a low or vulgar sentiment from his lips, nor one which was not consistent with the highest feeling of honour. I never heard him, although we all know how sorely pressed and attacked he was, use one expression of reprehension or abuse against his too numerous adversaries. On the contrary, every word that fell from him bore the impress of high birth and high breeding, and even what might have been expected from a nobleman or gentleman of the highest position in the country. Another reason for my faith in him was the undying confidence of Lady Tichborne in his identity. She never faltered in the belief that he was indeed her son. I am not now going to

trouble the House with any sentiment or romance; but I am sure that many Gentlemen who hear me know that Lady Tichborne was a woman of a cool, cautious, and sensible temper, and a person who exercised the greatest possible amount of circumspection in forming her judgment before she came to a conclusion. We know that she lived in the same house with my client for nearly a year, during which time she must have had constant opportunities of penetrating into his whole life, and of discovering from daily intercourse whether he was an impostor or the true man. And when I find that Lady Tichborne lived in the faith that he was her son, and that when she died, almost her last dying words had been to give him the blessing of a mother, I must confess that those circumstances produce a most powerful effect on my mind. There was another circumstance which powerfully influenced me, leading me to the irresistible conclusion that he is the true and genuine heir. The House will remember that it was always insinuated during the course of the trial that this man was "Red-haired Orton," and was perpetually dyeing his hair. A lock of hair of unmistakably—shall I call it—auburn colour, had been sent home from Chili by some suspicious person there, and the defendant's statement to me was that his attorney (Mr. Holmes) had pressed, had even compelled, him to recognize it. That lock of hair was produced in Court by order of the Chief Justice to Mary Ann Loder, and she and one or two others swore that it was the exact colour and description as Orton's hair. Whether or not that circumstance had great weight with the jury I cannot say; it certainly was dinned into the public ear that this man's hair was naturally auburn, but that he disguised it by the daily use of a dye, and one story was, that after he was sent to Millbank he was discovered to be Arthur Orton, because his hair had then become unmistakably red. Sir, there never was a more untrue statement. I myself saw the man in Millbank months after he had been sent there, and when he had no means or opportunity for using dyes with his hair, and when it was not possible that his hair could be made different from what it had been in the Queen's Bench; and I can state that there was not the slightest streak of red in his

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hair, which was as black as that of any Gentleman in this House. But there is another matter, and a more wonderful one still, to be noticed. When the Rev. J. Rigby came up from Stonyhurst on the 5th of June 1873, he spoke in these terms in reply to examination—

“Do you remember Roger sufficiently to remember his appearance?—I remember it, I think, perfectly. Will you describe it?—First of all, he was very thin; his features were small, and his eyebrows dark. His hair, to the best of my recollection, was a rather dark brown, and I distinctly remember his habit of turning his head round when combing his hair. He used to comb it on one side. He wore it rather long; it often fell down, and he jerked his head that way to throw it back again. When he so threw it back, I certainly remember distinctly that the under hair was more of a brown than the surface hair. Do you mean that it was lighter or darker?—I mean that it approached a reddish brown, and when his hair was combed on one side, the under portion showed more redness than the upper, which was dark brown.”

Now, when that evidence was given, I looked at the defendant, who sat under me, and his hair presented exactly the aspect which has been described by Mr. Rigby; and I believe that if the right hon. Gentleman the Secretary of State for the Home Department will make inquiry at Dartmoor, he will receive a report from the authorities there to the effect that the prisoner's hair now presents the appearance described by Mr. Rigby, the upper portion of the hair being darker than the lower, which is of the reddish-brown described by that reverend gentleman. That I think was the most remarkable circumstance of the trial; but there was also the malformation of the thumb which was shown in the Paris photograph, and in that of Chili of 1854, both presenting the same appearance. These facts were enough in my mind to convince me that he was the undoubted man. I now proceed, Sir, to arraign the conduct of the late Government with respect to the prosecution. I say that that conduct was of such a nature that it led to the course which was pursued towards him at his trial. I need hardly say that upon the personal honour of the Leader of the late Government I cast no reflection whatever. I think it will be quite enough for my purpose to say, in modern and fashionable phraseology, that his conduct was unwise. I do not think he ever entered into the Case. The right hon. Gentleman always reminded me

of the famous magician described by Washington Irving, who was lulled into slumber in the palace of the Alhambra with beautiful damsels on each side. The damsels by whom the right hon. Gentleman was fascinated were Theology on his right side and Greek Literature on his left, and I believe those bewitching companions led him quite astray from any serious contemplation of the Tichborne Case, so that he was quite ready to adopt the views of anybody who told him that Tichborne was an impostor. I can easily understand somebody one day rushing into his study when he was thus engaged, and saying—“I can give you a conclusive proof that Tichborne is an impostor.” The right hon. Gentleman might ask—“What is it?” “He has forgotten the letters of the Greek Alphabet.” The right hon. Gentleman, forgetting that Sir Walter Scott had confessed that he himself had forgotten the letters of the Greek alphabet, would say—“That is perfectly conclusive to my mind. Any one who forgets his Greek must be both a butcher and an impostor.” That must have been the sort of reasoning which actuated the right hon. Gentlemen when he allowed his Government to commit itself to the prosecution of that unhappy man, Tichborne, and I really do think that the way in which I have ventured to describe his conversion from a belief to a disbelief was probably the true mode in which he became an Ortonite rather than a believer in Tichborne. And here, Mr. Speaker, I beg leave to challenge the statement that because the Judge committed a prisoner for trial, the Government was necessarily bound to prosecute that prisoner to the bitter end, and if anybody advised them that that was law, they had very bad advice. They ought to have left the matter to the ordinary course of law, and there were weighty reasons which ought to have made these Gentlemen pause and consider before they embarked upon that unexampled expedition. If they had only seriously considered the matter, they would never have entered into it in the spirit in which they did—because, first of all, the violent, the strongly-partizan language of Sir John Coleridge, their Law Officer, ought alone to have prevented them from taking up that position. He had converted the position of an advocate into that of a private and

malignant foe, and he was, therefore, utterly unfit to act as counsel or adviser for the prosecution. There was another reason why, as it seems to me, they ought to have shrunk with horror from entering on the prosecution, and that was the production of the Pittendreigh forgeries by their own Law Officer. That production was a crime without parallel in the annals of the trials of our country since the days of Elizabeth and James, when such devices were common. Those forgeries were made, and they were known and almost proved to be forgeries before ever they came into Court. They were issued by the counsel knowing them to be forgeries, and when all those facts were brought to the knowledge of the Government, the Government should have shrunk back in horror from the suspicion of attaching themselves to a cause which was supported by false documents. If there ever was a period when a Government should have withdrawn with abhorrence from a path upon which it had once entered, it was in this Case. But the Government seemed to have abandoned all those high and chivalrous ideas altogether which are believed to have ruled the conduct of the ruling powers for the last half-century, and they took the forgers and their forgeries to their arms. They cherished them and they fondled them, and they stood up for them in this House and elsewhere, and would hardly allow a Question to be asked concerning them. I remember, and hon. Gentlemen will also remember very well, that if a Member got up and asked a Question, he hardly ever got a civil Answer in reply, but was snubbed down or sneered down, and was treated with contempt, being looked upon almost as a man who ought to have been a sort of exile from society because he questioned the policy of the Government. These things also had entered into the heart of the people. They were watching the conduct of the House in this matter, and they are watching it still. They were not satisfied with it then, and it rankled in their hearts, and it rankles there yet, and that is one of the other numerous reasons why there is this powerful and tremendous ferment of feeling in the country. The people compared the conduct of the late Government with regard to the Gurney case with that which they had pursued in the Tichborne Case; and they thought

the Government had declined to prosecute in the former case for political and not for honest reasons. They felt that the Gurneys had brought misery and poverty into innumerable families, and had destroyed the happiness of a thousand homes, and they were convinced that the Government abstained from action for political reasons. They remembered that case, and they believe so still. The Government gave also in their conduct a very evil example. Those persons who saw the Government defending forgery may have thought—"Forgery is right and proper, and why should not we too resort to it?" One of the reasons why I am going to ask for a Royal Commission to inquire into this question is this, that after the fullest and completest examination I have now come to the conclusion that every one of the letters produced on the trial purporting to be the letters of Arthur Orton was a distinct and positive forgery. I wish the authenticity of those documents to be made the subject of inquiry by a Royal Commission, that they were fabricated documents. It did not occur to me at the time, and I am sorry that it did not; but I really never had time to master that tremendous Case, and it never occurred to me that those documents were forgeries; but now I have gone carefully through them, I have come to the conclusion, which remains unaltered, and will remain unaltered until irrefragable proof is brought to the contrary, that every single document produced at that trial, except probably one, was as deliberately a forgery as the Pittendreigh documents themselves were. At the trial we were so pressed for funds that there was no money to call in the aid of an expert. It was sneeringly said that I had to be my own expert, and it is probable that I made but a poor expert; but whether they were forgeries or genuine documents, we at that time had no money to provide experts, and we were deprived of the opportunity to get money by the unjust and wicked conduct of that Court, as I think I shall demonstrate before I sit down. There was another document connected with that case about which I wish to speak. There was printed and published all over London a little forgery, to which at the time the attention of the Government was called, and it was one which most undoubtedly originated

with the Government itself, or in some treachery or evil device of some person connected with this trial. My hon. Friend the Member for Peterborough (Mr. Whalley), in a letter which he addressed to the Treasury on the 14th September, 1872, called the attention of the Government to this, and said—

“The paper I enclose is publicly sold in shops, and exhibited in windows, and in so far as it purports to be a fac simile of the writing of Arthur Orton is a false and wicked forgery.”

Now, Sir, I hold in my hand a Parliamentary Paper, printed by Government on the requisition of the hon. Member, and hon. Gentlemen will bear in mind that the documents of which it is a photograph were documents supposed to be in the possession of the Government, and supposed never to have got out of their hands. How they got into the hands of the persons who executed the forgery I do not know. Probably a Royal Commission will ascertain. It is a fact of no small moment, for the letters were both written by the same man, my unhappy client; but the person who forged them headed one “Arthur Orton to his sister,” as if he were the genuine Arthur Orton himself, and on the opposite page wrote “The Claimant to the Dowager Lady Tichborne,” so that everybody passing a stationer’s window, believing these letters to be genuine and true documents, compared the handwriting, and concluded that that attributed to Arthur Orton and that attributed to the defendant were the same. The only falsehood was, that they said that one was written by Arthur Orton, when they knew perfectly well that it was written by the Claimant. I should have thought this was such a serious matter that when it was brought under the notice of the Government, they would have done something for the defence of their own honour and the honour of their servants or agents, and would have repudiated the parties who were guilty of such a crime as that. But they did nothing. They never gave facilities for information to anybody connected with the defendant as to how these forgeries were brought before the public, and I do say that conduct of this description must have unquestionably encouraged other persons to forge documents in the subsequent proceedings, and must have tended to colour the minds of a great many persons against

the unhappy defendant. My theory is, and I hope it will be examined into by lawyers on the Commission, with the assistance of experts, that the handwriting of the Claimant having by some means, I do not know how, got for a time into the possession of the defendants in the Common Pleas, the documents purporting to be the letters of Orton, were forged and produced at the trial. Whether or not this House thinks the forgery serious enough to be inquired into by a Royal Commission it is not for me to decide. In making those allegations I am stating that which I believe will turn out to be true, and I shall rejoice if this particular matter is made the subject of inquiry before a Royal Commission. I think we shall not be very wrong or harsh in our judgment if we come to the conclusion that the parties who were engaged in doing not one, but two forgeries would not hesitate to fabricate other documents and pretend that they were the handwriting of the defendant. There is another matter which I think ought to be inquired into, although we have unfortunately lost one main source of information on the subject, the party in chief having been lately drowned. It was stated that a Dr. Wheeler had a long and powerful affidavit, which, if true, established that the Claimant could not be Arthur Orton. It was stated that that person was taken under the auspices of the Government, and sent out of the country. Now that anybody in high office would be connected with such an act as that I do not for one moment believe, or that anybody in personal communication with the First Lord of the Treasury at the time could have sanctioned such a proceeding cannot but be untrue; but it is the curse of all Governments to have persons around them who think that by committing any act that will benefit the Government, they thereby help themselves and their cause, and so it came to pass that Dr. Wheeler, who had made an affidavit, suddenly had a Government appointment and left the country, and could not be present at the trial. I believe I am not wrong in stating that the affidavit of that gentleman is now in the office of the Home Secretary. I dare say his attention has been called to it, and if it has, he, as a lawyer, will know the value of that evidence, and if a Royal Commission be not appointed, the right hon.

Gentleman himself may think it well for the sake of justice to make some inquiry into the extraordinary circumstances to which I venture to call attention. Those things did not seem in any way to influence the Government; they relaxed and relented in nothing; and accordingly the trial came on, and at the trial was discovered another most extraordinary fact, which Her Majesty's Government certainly ought to have attended to. The way in which it seems to me all these things are relevant, and very relevant, is this—that certain persons connected with the late Government, however unwittingly and unconsciously, were the means of encouraging a good deal what took place at that trial, which, in my humble judgment, was against every principle of justice. When Mr. Chabot was called at the Claimant's trial, he was asked a few questions as to the Pittendreich forgeries. I could not have conceived that such a thing could have taken place in England as that a respectable lawyer would produce forgeries in open Court. But Mr. Chabot, on being questioned, took the forgeries in his hand and said two of the documents were genuine; and, he believed two others were forgeries. He said he put them into the hands of Mr. Dobinson, the solicitor, and told him they were forgeries. I think Mr. Chabot entitled to great respect: he is a man who has some peculiar theories of his own in respect of handwriting, but I do not believe that he would intentionally deceive any tribunal. Certainly, he behaved in an honourable manner in that case, for he satisfied, indeed he convinced, Mr. Dobinson, the lawyer who had produced the two forged documents, that they were really forgeries. When I was commenting on the case to the jury I thought it my duty to call attention to the fact of Mr. Dobinson producing these forgeries, because anyone who would do that would do things equally as bad, and it was part of my case that there was a combination on the part of various persons to convict this man. I entirely exonerated the Solicitor General from any knowledge whatever that these documents were forgeries. I said it was impossible for any member of the Bar to commit himself to a crime of that description, or to a consciousness of its existence. I poured out the vials of my

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wrath on Mr. Dobinson, exonerating Sir John Coleridge. Mr. Dobinson is dead, but Mr. Geare, his surviving partner, wrote a letter to Sir John Coleridge, expressly calling his attention to the fact that he knew these documents were forgeries when he used them. I shall read a passage from the letter of Sir John Coleridge. It is dated—

“House of Commons, July 24.

“My dear Hawkins,—I feel bound to trouble you with a few words with reference to the attack made on Mr. Dobinson by the counsel for the defendant in the case now going forward in the Court of Queen's Bench. It is my duty to say that the purport of Mr. Chabot's report was communicated by Mr. Dobinson to me.”

Therefore, he knew perfectly well at the time he used those documents as genuine documents in the Court of Common Pleas that those documents were forged. There is his own language—

“It is my duty to say that the purport of Mr. Chabot's report was communicated by Mr. Dobinson to me, and no misleading instructions were at any time given or misleading questions suggested to me by him.”

Well, Sir, that certainly seem to me to be a matter—[Sir WILLIAM HARCOURT: You have not read all the letter.] If the hon. and learned Gentleman wishes it, I will do it with great pleasure. It continues—

“It is true that all through the case at Nisi Prius I had the inestimable assistance of yourself and other distinguished men, most generously rendered; but for any imperfect or inaccurate execution of the instructions I am alone responsible, and I am quite prepared to defend my conduct in every part of that cross-examination if it really needs defence.”

I shall ask the Royal Commission to afford an opportunity for that defence which has never yet been afforded. The letter goes on—

“Mr. Dobinson, however, who has been attacked, is dead, and during the continuance of the trial I knew of no means open to me to vindicate from an utterly mistaken charge the character of a man of singular integrity and honour, and for whom I had the highest regard, except writing to you these few lines to be communicated, if you will be so kind as to take the trouble, to the Lord Chief Justice and his colleagues, and to the counsel for the defendant,—Believe me, my dear Hawkins, yours always, most truly,

“JOHN DUKE COLERIDGE.

“H. Hawkins, Esq., Q. C.”

The House will see that I did not intentionally suppress any portion of the letter. I should be ashamed of myself if I were to put before the House any part of a document which was controlled or contradicted by the remainder. That

matter occurred in open Court, and there was even then no repudiation whatever by the Government of this extraordinary conduct of their Law Officer who had been guilty of it. I am now going to read the shorthand writer's notes of the hon. and learned Gentleman's speech in the Common Pleas, February 19, 1872. He said—

"Well, gentlemen, imputation upon the plaintiff, a man who has made the statements he has made, and who has taken in Mr. Scott and all the rest of it, that he should try and get hold of one of Mr. Dobinson's copying clerks, is a very venial business indeed, and not worth while to take up time with. The observation upon that is that it is a 'shabby, dirty thing,' but not 'more shabby and dirty than a hundred other things he has done,' therefore I do not want to spend time in breaking the fly upon the wheel.

..... Well, Mrs. Pittendreigh would have been a very important witness, and I should have trusted to her oath, but for this circumstance, knowing everything I did of the plaintiff, and thinking it an excessively likely thing. You recollect that she had furnished us with copies of her 'supposed' answers, and the copies of those supposed answers to the plaintiff's answers, were put to him, and the plaintiff said, 'Oh! no, those are not her answers to me; I have her answers somewhere,' and her answers were produced and shown to be totally unlike the copies shown to us; therefore, it became clear that Mrs. Pittendreigh was a person on whom no man in his senses, or an honourable man could place any reliance. She had gone first of all apparently to the plaintiff, or got into communication with him under circumstances infinitely disgraceful; because, although Mr. Pittendreigh was not a confidential clerk—I overstated that in examination—he was a copying clerk, and that was bad enough, in Mr. Dobinson's employ, entering into negotiations of some kind or other with the plaintiff in the action. That was disgraceful enough, but when it turned out besides that Mrs. Pittendreigh has been actually putting on us copies of letters which she said she had written to the plaintiff, and when the originals were produced, it turned out that they were not a bit like them, why, it is perfectly clear that Mrs. Pittendreigh—I suppose, if she could keep in with both sides—'had been deceiving us grossly, deceiving both sides.' She had deceived Mr. Dobinson in a gross way, giving him a perfectly false account of what she had written, and after, I am convinced that she put upon us copies which turned out, when produced, to be false, no man in his senses, and certainly no honourable man, would say she was a person you could place reliance upon at all, apart from any fact which can be proved *aliunde*, which she has been the means of bringing to light. Therefore, wherever there is a doubt, I am not going to insist upon her for a moment. She is a person who has written herself down knave by her conduct, and she is, as far as she is personally concerned, one to be entirely separated from the body of the defendants. 'She has taken us in, in a most disgraceful manner;' but you know there may be, nevertheless, apart from her character, certain facts which *aliunde* admit of

proof, which she has been the means of bringing to light, and then only in that way I bring her before you. 'Now, I drop the two last letters. I have a notion upon them, and you might, if you look at them, have notions upon them—you might think the two last letters were the composition of the plaintiff, if not written by him; you might think that there had been pencil marks underneath, and a tracing over.' I think in one of them it is tolerably clear that there have been pencil marks; and that the tracing was a tracing by some one over those pencil marks."

Now, Mr. Speaker, it is as clear as anything can be that at the time Sir John Coleridge was using this language in the Court of Common Pleas, Mr. Dobinson had given him information as to the real state of the case. Yet here is a suggestion to the jury, that they may, if they think fit, draw the conclusion that these two letters were written by the Claimant, when the learned Gentleman well knew that they were not. But I resume my extract from his speech, commencing as it did in page 4,779—

"All I am concerned to point out now is that the case, as far as Mr. Dobinson is concerned, had a perfectly genuine and *bona fide* look when it was presented to him. We had never seen Mrs. Pittendreigh's real answer; she imposed upon Mr. Dobinson just as much as upon the other side. Mr. Dobinson, naturally, as anybody would, believing he had the whole correspondence before him, the copies of letters sent, and the originals received, viewed it in a totally different light than he would have viewed it by the light of the real letters.' All I am anxious to do is to separate ourselves with Mr. Dobinson from any connection whatever with Mrs. Pittendreigh. There is the correspondence; there are the two genuine letters; you must place any construction on them you like. Two she gave us as genuine, and you must be judges as to whether she was right on that subject or not. It may be that we have not got to the bottom of it—whether we have or not does not seem to me important at this stage, because the evidence *dehors* that, is overwhelming on the subject of his connection with the Orton family. 'Of course, I shall call Mr. Dobinson, he will tell you how he got those letters, and will say he was completely imposed upon by her, as she imposed upon the plaintiff at the time, and I ought to say, of course, that long since all connection with Mr. Pittendreigh and Mr. Dobinson has terminated altogether.' There are persons on whose word he could not place the slightest reliance, and with whom he will have nothing to do, and he has long since left his office, and all connection of any sort or kind has ceased."

So that you see it is suggested that Mr. Dobinson was deceived by Mrs. Pittendreigh. Well, I do not believe that Mr. Dobinson would have been guilty of the wickedness of getting into the box and swearing that Mrs. Pittendreigh had

deceived him. But I do, and must, say that all these things are calculated to injure the course of public justice and public virtue, and as I trust we have still a regard for public justice and public virtue, I hope that if a Royal Commission is granted that it will for ever put an end to acts such as this, and prevent the promotion to an honourable place of a man who has been guilty of conduct of this description. Now, when there was a vacancy in the Court of Common Pleas by the death of Chief Justice Bovill, this man came to me and said—"I know I shall be acquitted in this court, but how about my action in the Court of Common Pleas, which I shall recommence when I am acquitted? They are going to appoint Sir John Coleridge to be the Chief Judge of the Court, and I want you to write to the Lord Chancellor to complain of it." I told him that the appointment was with the Prime Minister, and that I saw no harm in his writing to him, and accordingly he brought me a letter which he intended to send to the First Lord of the Treasury. Knowing the irregular habits of the man, and that he was as likely after he left me to light his cigar with it as to post it, I got him to leave it with me to send, and I posted it myself. The letter was addressed to the right hon. W. E. Gladstone, Esq., M.P. That is, I suppose, an additional evidence that this man is Orton. The letter was dated the 14th of November, and was as follows:—

"34, Beesborough Street, 14th Nov., 1873.

"Sir,—I have waited for some days in expectation of an answer to the letter which I did myself the honour to write to you on the 4th instant, and a duplicate copy of which I sent also to the Lord Chancellor. I am informed that the appointment of Chief Justice of the Common Pleas is in the hands of the Prime Minister. If you look at the correspondence between Sir John Coleridge, Mr. Hawkins, and Mr. Geare which was published on the 25th of July last, in all the newspapers, Sir John admits that at the time he used the Pittendreich Letters at the late Trial in the Common Pleas, he had been informed by Mr. Dobinson that they were forgeries; yet Sir John used them as if they were genuine. I distinctly charge him, therefore, with uttering these documents knowing them to be forged. This is a crime of great magnitude, and one which is confessed by himself; it is a crime never before avowed by any one who was afterwards made one of Her Majesty's Judges, and if this appointment should be made, I will take measures to have it brought before Parliament. I have no desire to annoy you; but I must ask you to pause and consider whether you will make yourself responsible for such an act. At the

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O'Connell Trial, in 1848, the then Attorney General (the right hon. T. B. C. Smith), one of the greatest lawyers in the Kingdom, goaded to irritation by the remarks of one of the counsel for the defendant sent him a challenge to fight. This was considered so great an offence that Sir Robert Peel did not venture to appoint him Chief Justice, but gave him the very inferior post of Master of the Rolls; for it was felt that if Chief Justice of the Queen's Bench he never could, with propriety, adjudicate upon criminal informations calculated to cause a breach of peace, when he had so grossly committed himself. How then could Sir John Coleridge ever try a prisoner charged with forgery, or with uttering forgeries, when he had himself been guilty of the same offence. I trust to your honour, to your public character, and to your love of justice, therefore, never to make such an appointment. —I have the honour to be, Sir, your obedient servant,

"R. C. D. TICHBORNE."

"P.S.—I have sent a duplicate of this letter to the Lord Chancellor."

That letter failed to produce any effect. The learned Gentleman (Sir John Coleridge) was appointed to, and still occupies, the place of Chief Justice of the Court of Common Pleas, and I think it a matter deserving of public inquiry on what grounds it was that he was appointed to that office under the circumstances that were brought to the knowledge of the Government. There is another thing that deserves inquiry. It has been thought all along that the new Chief Justice was quite satisfied that the Claimant was Orton, and consequently that he was not entitled to any particular sympathy from anybody; but it appears by a memorandum made by four of the constituents of the junior Member for Bristol (Mr. Morley) that they waited on him and that he declared in their hearing that it was merely a private opinion of his, but that, in his opinion, the Claimant was not Arthur Orton but an illegitimate member of the Tichborne family, as he could not else have obtained such an intimate knowledge of the affairs of the Tichborne family, and that he was supported in this by the late Attorney General having stated that that was his opinion also. So that we have this gentleman telling the Member for Bristol that he believes the Claimant to be an illegitimate member of the Tichborne family.

MR. MORLEY: I rise to Order, and ask permission to state that this is absolutely untrue.

MR. SPEAKER: The hon. Member for Stoke is in possession of the House, and the hon. Member for Bristol will

have an opportunity of explaining by-and-by.

DR. KENEALY: Of course, you will understand when I state these matters that I give my authority for them. I myself have no personal knowledge of the hon. Member for Bristol or of his affairs. I merely state these things on the authority of four of his constituents with whom I have been in communication, and I believe the hon. Member himself has been in communication with them on the matter, and whether it is true or whether it is false, the hon. Member and his constituents must settle among themselves. I have nothing to do with that. Now, Sir, I say that these circumstances which I have brought before the House entitle me to ask on good grounds for the appointment of a Royal Commission to inquire into this breach of public duty, I may almost say of public law. I consider that the appointment under these circumstances was a public crime. I consider that the whole conduct of the Government in attaching themselves as they did to that particular prosecution deserves the most full examination, and if that Commission find that there was nothing extraordinary, or unusual, or wrong, in their conduct, in attaching themselves to that prosecution, I am sure I shall not shed any tears over it. I bring the matter before the nation on national grounds, for I believe the whole of their conduct has been productive of evil example, and has lacerated the English heart into rage and fury. It is in that point of view that the seriousness consists. I believe that a great deal of the agitation which exists has been brought into being by the conduct of the Government. Undoubtedly, for the sake of public tranquillity, these things ought to be inquired into. If a careful investigation by a Royal Commission, consisting of noblemen and gentlemen, without fear and without reproach, should exonerate them from all blame in the matter I shall be most glad, for I myself am a thoroughly loyal and constitutional subject, and I am anxious to see a constitutional Government receive the support of the people. I am not glad—I am deeply and sincerely sorry—when anything occurs to injure even in the slightest degree, the old and splendid fabric of the Constitution, and it is for the sake of that Constitution that I beg of this House to give me this Royal

Commission, so that these gentlemen may be rendered free from any reproach, and may be able to give that clear and conclusive answer to these things I should wish to see them do, and which I am sure they would be glad to do. The next matter to which I have to call the attention of the House is a matter which I think ought to be inquired into by a Royal Commission, and that is, with reference to that part of the Notice of my Resolution at which the right hon. Gentleman at the head of the Government, in his humorous way, rather laughed. The right hon. Gentleman, who is undoubtedly a very acute critic, might be right in objecting to the words "certain incidents of the late trial which have occurred subsequent thereto." Well, perhaps instead of using the word "trial" I should have said "question;" but what I wanted to convey was, that certain incidents had come under my observation, and they ought to be made the subject of a Royal Commission. Now, I really do not know what to do here, because I know very well that hon. Gentlemen are always very impatient when documents are read; but I have here before me six statutory declarations, one made by a man named Rochett, a man named Willoughby, a lady named Alexander, and three men named Locke, and Deacon, and Flinn. These statutory declarations were all made out in Australia. They are the testimony of persons who, if the Claimant had had money, would have been brought over by him; but having no money, of course he was unable to bring them. I may be told that I might send these statutory declarations to the right hon. Gentleman the Home Secretary, and that he would very carefully read them; but I am sure the right hon. Gentleman will not think I am casting any imputation upon him when I say that I would rather bring the people themselves before a Royal Commission to be held here. The question of money ought not to be brought into the matter at all. This is a case such as will not occur again in a lifetime. There has been no trial which has so awakened the feelings and affections of the English people, and Scotchmen and Welshmen also, since the trial of Charles I.; and there is a general opinion which, whether well-founded or not I shall not venture to ask in the presence of so many Gentlemen who

have formed their own particular conclusions on the subject, that justice has miscarried, and that it would be forwarded by the production before a Royal Commission of these, and perhaps other, witnesses. The mere cost of bringing these witnesses over will not, I am quite sure, enter into the minds of hon. Gentlemen. They spend half-a-million of money in an armour-plated vessel which, very soon after she gets into blue water, turns upside down and goes to the bottom. Nobody grudges the cost of that, and if we are so extremely generous in matters of that kind, we ought not to mind money spent for the purpose of securing justice, and quieting the minds of the people of this country. I am quite certain that hon. Gentlemen know of the disquietude as well as I do, because there are daily reports in the newspapers giving accounts of the state of feeling amongst the people, not amongst the lower classes only, but amongst the more important and intelligent classes of individuals, who may be numbered by millions, there is only one general spirit of discontent. The word "discontent" can hardly describe it. Nothing has ever been equal to it in England. All faith in the administration of public justice is shaken, if not destroyed. This is a most melancholy state of things—particularly in England—the most law-abiding country that perhaps the world ever saw. I fancy that the right hon. Gentleman the Home Secretary must have had many reports from the police with reference to it. The great thing to be admired in the people is that, notwithstanding their evident discontent and dissatisfaction, there has never been a single breach of the peace at any one of the numerous and immense meetings which have been held. There has never been anything but the greatest concord and good nature exhibited, coupled with the strongest resolve that the question should be inquired into. Now, I really do not know what to do with reference to these statutory declarations. I have no desire to weary hon. Gentlemen, but if I read them I cannot fail to do so. ["Read, read!"] I feel very greatly indebted to hon. Gentlemen who have called out to me to read. It is another proof, if that were wanted, of their willingness to sacrifice their own convenience to the interests of justice. [The hon. Member

accordingly read the declarations in a summarized form. The first declaration, that of Mr. Rochett, upwards of 20 years pilot of the port of Melbourne, gave an account of the arrival of the men saved from the *Bella*, at that port. The writer's attention was particularly directed to one young man who had been a passenger in the *Bella*, who was thin, and and looked ill, and who—the hon. Member added—I say was Roger Tichborne. The second declaration was by Captain Willoughby, who was then mate of the *Comet* steamer in the port, who spoke of a number of shipwrecked men arriving, amongst whom was a young gentleman who had also been saved from the wreck. The third was that of Anna Maria Alexander, who said that in the year 1847 and 1848 she was well acquainted with Roger Charles Tichborne in England, and that in 1855 she met a man named Thomas Castro who was the same person. The original of this declaration was forwarded to the head of the late Government, from whose hands it passed into the Treasury, and he was sorry to say it could not now be found. The declaration stated that Castro was wrecked in the *Bella*, and that he was not tattooed. The hon. Member then stated the substance of the declaration of a Mr. Locke, as to the trial of Castro and Orton on a charge of horse-stealing, and also similar testimony of persons named Flinn, Wheeler, and Deacon.] Those, Sir, continued the hon. Member, are the circumstances connected with the first and last portions of my Resolution; and I humbly submit to the wisdom of the House that I have given sufficient reasons for an inquiry with regard to them. I now come to the middle branch of my Resolution, and in dealing with it I shall endeavour to be as short as I can. I am perfectly sensible of the indulgence which has been awarded to me, and I am shocked that I have been so long addressing the House. I have now to speak of the conduct of the trial. There are two Acts of Parliament bearing on this subject to which I wish to call attention, the first being the 12 & 13 *Will. III.*, c. 2; and the second, the 2 *Geo. III.*, c. 23. 12 & 13 *Will. III.*, c. 2, sec. 3, enacts—

"That after the said limitation shall take effect as aforesaid, Judges Commissions be made, *Quamdiu se bene gesserint* (as long as they shall well conduct themselves), and their salaries as—

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certained, and established ; but, upon the Address of both Houses of Parliament, it may be lawful to remove them."

2 *Geo. III.*, c. 23, sec. 1, enacts—

"That the Commissions of Judges for the time being shall be, continue and remain in full force, during their good behaviour, notwithstanding the Demise of His Majesty (whom God long preserve), or of any of his Heirs and Successors."

Sec. 2—

"Provided always, and be it enacted by the authority aforesaid, that it may be lawful for His Majesty, his Heirs and Successors, to remove any Judge or Judges, upon the Address of both Houses of Parliament."

These Acts define the position and duties of the Judges, and provide for the manner in which they may be removed. As regards the latter point the statute does not say that a Judge may be removed for corruption, or wickedness, or villany, or anything of that kind ; it says that he shall continue to be a Judge during "good behaviour," and how the words "good behaviour" are to be construed must be a question for any tribunal which enters into an investigation of the conduct of a Judge. Now, I wish at once to state to the House that I am not here as an accuser of the Judges at all. I am bringing before the House matters which, as a humble Member of this House, I think demand inquiry. If the House accords me that inquiry well and good ; if it does not think an inquiry is called for I shall acquiesce in their decision. I am bringing forward matters which have been related to me. Everything that I say on the authority of others, I shall give chapter and verse for ; what I say on my own authority I think I can corroborate, if it shall be questioned, by an appeal to the shorthand writer's notes of the trial. Now, Sir, I was brought into this case by Lord Rivers, who, as this House knows, has taken very great interest in the cause of the Claimant. When Lord Rivers waited on me, he called my attention to the fact that at the time Petitions were actually prepared, which were signed by large numbers of the people, praying that Sir Alexander Cockburn might not preside at the trial of the Claimant. At that period a report had been widely circulated that the Chief Justice of the Queen's Bench had unfortunately committed himself to certain opinions with regard to the Claimant. It is obvious

that I, who have been charged with all the crimes that have been committed, from the murder by Cain of his brother Abel downwards, could have nothing to do with all that, because it was done by the Claimant's friends before I came into the case. I do not know whether it was correct or not, but I was told, Sir, at that time, that you yourself had been consulted with reference to the presentation of those Petitions, and it was related to me that you had said they must be received, though you hardly fancied that the House would entertain them. I merely mention this to show that at that time there was a widespread feeling that prejudices existed in reference to this subject. My attention was also called to a letter which was sent to the Lord Chief Justice by one of his old constituents at Southampton, calling his attention to the existence of this widespread feeling, and asking him whether there was any ground for it, or whether it was merely an imaginary delusion, founded upon what the Lord Chief Justice called the other night "wild stories." Well, no answer was vouchsafed to the writer of that letter. I have a copy of it here, but I will not trouble the House by reading it. The Claimant himself, Sir, undoubtedly shared in the feeling which so many of his friends entertained ; for among the other words for which he was brought before the Court for contempt in January, 1873, were the following, which were read in open Court :—

"Four years ago the Lord Chief Justice of England publicly denounced me as a rank impostor at his club. I know of others (occasions), but cannot prove them, so will not. But I can prove that he subsequently, within these last two months, at a party where a lady friend of mine was, distinctly turned round to those ladies, and said it was a disgrace to mention my name in decent society. ["Oh, oh!"] I think I have a right to call on him to answer for contempt of Court. I do not suppose they would grant the rule, but rest assured I will apply for it. And I maintain, ladies and gentlemen, that he had no right to sit on that Bench (to-day). At St. James's Hall my friend, Mr. Onslow, stated that the Lord Chief Justice was not a fit Justice to sit on my forthcoming trial. He gave as his reasons those I have mentioned, and that he had also, during the late trial, while sitting by the side of Judge Bovill, written on a piece of paper—'Had I been Judge, and you leading counsel, we would have had this fellow in Newgate long ago.' He was a party concerned, and if he had had the slightest delicacy for his honour he would never have sat on the Bench (to-day). So much have I heard, that I intend to petition

Parliament against his sitting on my forthcoming trial. No doubt I shall be able to prevent him. If I do not, I will go into that Court without counsel, attorney, or witnesses, and let him crush me as he thinks proper. ["No, no!"] If the Lord Chief Justice has got to sit and adjudicate on my case, I will offer no evidence, but throw myself on the country." [Applause.]—[*Criminal Law Cases*, xii., 347.]

I must again entreat the House to remember that this language was publicly used by the Claimant, and language similar to it at numerous large meetings throughout the country, many months before I ever became acquainted with him. This is a complete refutation of those false speakers who charge me with having been the fount and origin of the present wide-spread spirit of rebellion. And the above words were used in St. James's Hall, London, some time in the year 1872. When, therefore, Lord Rivers came to me, and questioned me as to whether it would be desirable to present Petitions which had been numerously signed, praying that the Chief Justice should not, because of these prejudgments, officiate as Judge at the forthcoming trial, I at once said, that if such a design were seriously contemplated and carried out, I should decline to act as counsel for the defendant. I made a note of the answer which I gave, and with the permission of the House I will now read it. I said—

"It is impossible that in a case like this, the Chief Justice will be led away by his bias, or prejudice, or preconceived opinions. He aspires to an honourable place in judicial history. He seeks to rank with Holt. I will stake my life upon his integrity. He will set a grand and shining example to the world and to all future times of the most serene and perfect impartiality. It is the last great cause that he will probably try, and he will be glad to retire with unsullied glory from the Bench where he has sat so long. If he has committed himself to any opinion here, or there, think nothing of it—that very fact will make him more scrupulously careful, more zealous of his fame. The eyes of the world will be upon him; and he will behave like the very impersonation of Justice herself; and from the first moment of the trial till its end, you will see such a spirit of honour, equity, and fairness, as will exalt his name for ever."

I added to these words, that I should be no party to the presentation of these Petitions, as I thought it would be a public scandal and an evil of the worst kind to call upon Parliament to prevent a Judge from presiding in his own Court. And I asked for a pledge that it should not be done. Lord Rivers was not thoroughly convinced, and he proposed a

consultation with the Claimant, asking my permission to introduce him to me within a day or two. I, of course, assented, and then it was for the first time that I met this most unhappy and unfortunate of men. At that interview there were mentioned the names of several persons to whom the Lord Chief Justice had stated in conversation quite enough to make anybody think that he was approaching the case with a highly prejudiced mind. And I am at this present moment quite satisfied in my own mind that notwithstanding any apparent denial that might be given to these alleged facts, that those denials would vanish away into mist upon examination by a Royal Commission, no matter from whom these apparent denials came. That is all I think it necessary at present to declare, and I say it upon my responsibility as a gentleman, a man of honour, and a Member of Parliament. The whole matter was fully discussed at that interview. The Claimant, much to my pleasure, and I must say my astonishment, and I think likewise greatly to his credit, agreed with me, observing that he was perfectly certain, not only that Sir Alexander Cockburn would try him fairly, but that he would come round to his side, and instead of being against him would be for him. The evidence, he said, was so strong that he was sure it would convince him, and there must be no further talk of Petitions against the Lord Chief Justice. There the matter ended, and we went into Court perfectly satisfied that justice would be done. I myself never for a single instant doubted that if there was a model of equity, justice, and fairness, it would be exhibited at that trial. How I have been disappointed and deceived the world knows. I regret that I must now call attention to what happened on the 13th day of the trial. The name of a hon. Baronet, a Member of this House, is mentioned in the memorandum I am just going to read, and therefore I wrote to him yesterday, begging him to be here. On the 13th day the defendant put into my hands the following extract from his diary, dated the 8th May, 1873:—

"Mr. Whalley has just told me that Sir Robert Peel told him yesterday that Lord Chief Justice Cockburn told him I was sure to be convicted, and that they had already made up their minds to give me fifteen years' penal servitude. Mr. Hendricks was present."

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Now, Sir, I express no opinion upon that matter. I have and can have no knowledge of it; it lies between the hon. Baronet and the hon. Member for Peterborough. But if that statement be correct, I shall be curious to hear what can be alleged by any ingenious person in defence of the Judge of whom it is made, and I shall be curious to know how a matter of that kind can avoid being brought before the Royal Commission. If that be true, and I have no reason whatever for supposing that it is untrue, it demands inquiry; while if it arose from a misunderstanding or a misapprehension, it ought to be cleared up. I can conceive nothing of greater or more serious import than that a Judge who is about to try a case of great magnitude should declare on the 13th day of the trial, that the man would be convicted, and should even go the length of saying that the Judges had made up their minds as to his punishment. I received a letter dated the 22nd September, 1873, from a gentleman of position, whose name I am not at liberty to mention, but I have no doubt at all that if there should be an inquiry, he will come forward and substantiate everything contained in this letter. In it he says—

“If there should be any further discussion about the right of the defendant to make remarks in public as to his innocence and identity, I beg to submit to you that it would be a very proper rejoinder that he has quite as much right to do so, as the Judges who were trying the case, and who had openly made in society such remarks as—‘It is all over with the Claimant now; he is sure to be convicted.’ The Lord Chief Justice, to my knowledge—”

[“Name!”] I cannot give the name. This is a private letter written by a gentleman of position, and I have always understood that it is perfectly Parliamentary for a Member to read a letter of the identity of which he pledges himself, although he cannot pledge himself to its accuracy. He says—

“The Lord Chief Justice, to my knowledge, and Mr. Justice Mellor, to my belief, have been making remarks of this kind for months past.”

That letter, taken in conjunction with the memorandum which I have just read to you, will be quite sufficient grounds for urging that further inquiry should arise out of this matter. Now, Sir, amongst the incidents of what I call the misbehaviour of the Court, was the pushing of the doctrine of Contempt to the

outrageous lengths to which it was advanced. There is a belief in the public mind that the doctrine of Contempt was pushed to that length for the purpose of injuring the Claimant's cause, and undoubtedly it was used for the purpose of repressing the Claimant's friends. Mr. Whalley and Mr. Onslow were brought before the Court early in the January term, and were fined large sums of money, and reprimanded in very strong language. Mr. Skipworth and the Claimant were brought up during the same term, and Mr. Skipworth was fined £500, and sent to prison for three months. It was on that occasion that the statement of the Claimant that the Lord Chief Justice had publicly denounced him as an impostor at his club was read. I think, Mr. Speaker—and I say it with all deference to this House—that the Lord Chief Justice, knowing that language was going to be brought before the Court as a matter of Contempt, ought to have been present. He was not; he allowed the other Judges to sit in his absence, Mr. Justice Blackburn presiding for him. If I had had the honour of filling the Chief Justice's place on that occasion I should not have thought it beneath my honour, or unworthy of my place, for the sake of the public, to have come down to the Court, and when that language was read, to have denied it openly in Court. The Lord Chief Justice was of opinion that the Claimant was so bad and disreputable a person that it was beneath him to deny anything that he had said; but I put it to the House whether that was a proper reason for a Judge to advance. A Judge, it seems to me, ought to form no opinion at all upon the merits of the case, or the character of the man, he has to try. He ought to look upon every man as innocent until he is proved to be guilty, and he has no right to treat him as a man whose allegations are unworthy of attention. But that, I understand, is the way in which the Lord Chief Justice justifies to himself his not coming down and openly denying the allegations made openly before the world against him. Sir Alexander knew the feeling throughout the country. He must have been aware that he had incurred a great amount of obloquy and contumely for the unfair way in which he was supposed to have tried the Claimant. Allegations of this kind had been made

throughout England, Scotland, Wales, and I believe a great part of Ireland, and I think he would have rightly consulted the dignity of his high office if he had come down, and when this language was read had solemnly denied it. However, it has never been denied, as far as I know, up to the present time. The Claimant was let off on that occasion as a piece of great benevolence; he received no punishment, though Mr. Skipworth did. Yet what he said was a thousand times a greater Contempt of Court than that which had been attributed to poor Skipworth. But now see how we are treated. In the course of the following term, Mr. Routledge published a book called *The Tichborne Romance*, which probably contained as frightful a series of libels and misrepresentations as were ever published within the two covers of a book. For that, when I complained of it to the Court, I could hardly get any redress at all; it was only after labouring a considerable time, and quoting passages which might bear upon the trial then going on, that the Judges consented to give me a rule. But what could be a greater contempt of law and public justice than, when a trial was about to come before the public, to write a book defamatory of the defendant, and representing him as a scoundrel and a liar from the beginning of his existence? Because it was calculated, above all things, being sold at every railway stall, to prejudice the mind of every reader against the unfortunate man, and teach them to believe that he was all that the writer alleged him to be. And yet, though I brought some of those terrible and dreadful passages before the Court, I could get no redress whatever until I showed a certain passage in the volume which by a remote possibility might reflect upon the trial, and then after great difficulty and in the most ungracious manner ever known I got a rule. That rule, however, was never served, because we thought from the way in which it was given it would be perfectly absurd to do so. If I show that the Court acted unjustly and unfairly in this matter of contempt; that it heaped all the punishment upon one side and gave all the rewards, as it were, to the other, that, I submit, is such misbehaviour as was contemplated by the two statutes to which I have referred. It is a mistake

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to suppose that corruption is the only ground for removing a Judge, and our wise forefathers, no doubt, after due consideration, used the extremely mild and gentle word "misbehaviour" which may mean anything; something very bad, and something not very bad; but yet sufficient to necessitate the removal of a Judge. I shall mention to the House a few instances of those cases, in which the Judge gave the Claimant no redress when he had been libelled by his adversaries. All the punishments and penalties were inflicted on one side; but neither was accorded to the other—the unhappy Claimant's side. We brought before the Court a Mr. Appleyard, of Farringdon Street, who had published some caricatures with reference to the defendant, calculated to do him the greatest possible harm. Mr. Appleyard pleaded that only 200 had been sold, and that the rest had been destroyed; but although 200 might have got into the hands of men likely to be on the jury, yet the Court visited him with no punishment whatever. I next brought before the Court the case of *The Cosmopolitan*, which had said that the defendant had been guilty of forgery and perjury, but there was no punishment for *The Cosmopolitan*. I next brought before the Court *The Western Daily Mercury*, which said that the defendant dyed his hair—a matter of the greatest possible importance—and it subsequently got so into the minds of the jury that they were perfectly satisfied he was a red-haired man, who dyed his hair black every day. There was, however, no punishment for *The Western Daily Mercury*. I next brought before the Court *The Times*, for what I called a libellous article, but there was no punishment for *The Times*. I brought *The Times* a second time before the Court for an article which I complained of, but there was no punishment for *The Times*. In the meantime, an unfortunate gentleman down in the country, a Mr. Cochrane, was brought before the Court and fined £150 for saying that the defendant was not Arthur Orton. Then came what seemed to me one of the worst and most scandalous incidents of this trial, one which cannot be defended, and which has entered most deeply into the minds of the English people. The defendant was a perfect pauper. His mother had £2,000 a-year, and she al-

lowed him £1,000 while she lived, but when she died her affairs went into the Probate Court, the will was disputed, and the defendant was left penniless. He, therefore, had no means of getting any money, except by going about the country exhibiting his wonderful skill in shooting, and large sums of money used to be raised for him by persons fond of sport, not only for the purpose of seeing one of the best shots in the world, but of seeing a man who had excited so much public wonder and mysterious inquiry. He appeared at these shooting matches, as he was entitled to appear, in his name of Roger Tichborne. I should like to know in what name he was to appear. Was he to call himself John Smith or Arthur Orton? How was he to appear at these meetings, if not as Roger Tichborne, the man he professed to be? Yet because he dared to go to a public meeting as Roger Tichborne the Court said they would send him to prison if he went to any further meetings. I conceive that to be about as great an act of tyranny and injustice as was ever perpetrated. The man had no money to bring forward his witnesses, some of whom were in France, Australia, and very remote places. To deprive him of his money was to deprive him of his witnesses, and to deprive him of his witnesses was to deprive him of his liberty and, I may say, his life. That is a matter which should be inquired into and justified, if it can be justified. Again, for contempt of Court, Mr. Whalley was brought before the Court and fined £250 for simply saying that Luie was a true witness. That was the head and front of Mr. Whalley's offending, and if the House of Commons overlooks conduct of that kind, I certainly shall be very much surprised. Mr. Lewis was employed as an attorney for Luie, and because he made some remark in justification of his client, the Court absolutely threatened him with their censure. There is another matter of which I complain, and that is, that the Judges themselves gave evidence in the course of the trial. I will only mention one or two cases. The height of the defendant was a most material matter. Arthur Orton was measured when a growing lad of 18, and at that time his height was 5 feet 9½ inches. The defendant's height at the present time, according to

the measurement of a person connected with the Horse Guards, is 5 feet 9 inches. A witness named Mr. Hobson, who had been a midshipman in the Navy, was in the box, and I asked the Judge to ask the witness whether seamen are measured in their stockings for their height. The Lord Chief Justice said—"It is one thing in the Royal Navy, and in the Commercial Marine another." There was a piece of evidence given by the Judge upon a matter of the most material kind. The inference sought to be conveyed to the minds of the jury was, that in the Royal Navy men are measured in their stockings, and that in the Commercial Marine they are measured with their shoes on. What was intended to be insinuated was that Arthur Orton was measured with his shoes on, and that so measured he would appear to be 5 feet 9½ inches, and the defendant measured with his shoes off was 5 feet 9 inches. In my judgment, it is misbehaviour for a Judge to give evidence. Again, two of the learned Judges visited the village of Tichborne. They visited a place there called "the Grotto." A photograph of the Grotto was produced in Court, and the Chief Justice, having inspected this Grotto, said from the Bench, in the hearing of the jury—"I think it reflects the highest shame and discredit upon the man who concocted that photograph." I could not cross-examine the learned Judge, and the jury took the impression from the Judge that the photograph was false. A very indignant letter was sent to the Chief Justice by the photographer, but he did not think it right or proper to call attention to that letter. It had also been insinuated that Mr. Onslow had been guilty of manipulating this photograph, and he likewise wrote a letter. The Judge said he would deal with it when he came to the evidence regarding Lady Radcliffe, but he never alluded to it, and Mr. Onslow remains under the imputation cast upon him of having been guilty of the crime of being a party to manipulating the photograph, though I believe him to be as completely innocent as the child unborn. I am glad that I am coming to a close; but there is another matter to which I must allude, and which gave great dissatisfaction. In consequence of the expression of public opinion respecting the payment of the prosecuting witnesses by

the Treasury, it was promised that similar assistance would be given to us, and, after a great deal of exertion on our part, it was understood that our witnesses were to be paid. We accordingly brought up several witnesses, but the Chief Justice said that five or six would do as well as fifty, and, after hearing these witnesses, his Lordship stated publicly from the Bench that their expenses would not be paid, thus intimating to the jury that he did not believe their evidence. I ask, could there be anything more subversive of the interests of justice than an intimation from the Bench to the jury that he did not believe certain witnesses? Then our witnesses were treated rudely—I need not weary the House with cases—it will take my word when I say that many of our witnesses were treated very rudely, very insolently; but how can I go through the cases of so many witnesses in a reasonable time? There is another matter of which I deeply complain; I mean the manner in which the witness Thomas Castro was dealt with by the Court. Castro came from Melipilla to give evidence as to the identity of the defendant with Roger Tichborne. I saw him in the gallery, and he seemed to be a respectable specimen of a sensible Spanish gentleman. He looked down upon the defendant, and seemed to be in a state of agitation. He kept his eye fixed upon him, and walked up and down the gallery as if something were pressing on his mind. When the time came for examining Castro, we were told that he was raging mad. A medical man connected with the police was then called, and asked whether Castro was suffering under any delusions. The medical man said he was not, and then Mr. Purcell, a barrister, who had taken an active part in the prosecution, and had been out to Chili, was asked whether it would be safe to call Castro as a witness, and he said certainly not, thus contradicting the medical man. I was not allowed to see this witness who was reported to have gone mad, and in this denial I think that a very extreme amount of judicial power was exercised. I think that the jury should have seen the man, and have judged for themselves; but if he could have proved the defendant to be Roger Tichborne I can understand why the prosecution was not willing that he should be ex-

amined. I submit that it was an extreme stretch of judicial prerogative for the Chief Justice to refuse me permission to examine this man. Another point, in my judgment, was of great importance. I allude to the palliation of falsehood by the Chief Justice. Lord St. Lawrence had said that he made certain statements to the defendant for the purpose of leading him into a trap, and ladies had wrapped themselves up, and gave wrong names, for the purpose of puzzling him. I said—

“I have already expressed my opinion to you about *ruses* and equivocations, and I need not repeat what I think of a person who would be guilty of a falsehood. I see no difference. If any man or woman would deceive me by what is called a *ruse*, they would deceive by an untruth. I would have no faith in them ever after.

“The Lord Chief Justice: Suppose a man met you on the highway, and put a pistol to your brows, and told you to give up all you had about you, and you had concealed about your person a thousand-pound note, and you gave him your purse with ten shillings in it, and he asked you whether that was all you had, would you not tell him it was.

“Dr. Kenealy: No, my Lord, I should not.

“The Lord Chief Justice: Then you do not agree with Dr. Johnson, who was one of the greatest moralists that ever lived, that there are occasions when persons have no right to expect the truth from you, and that you have a right to tell a falsehood.

“Dr. Kenealy: I repudiate such language with horror, and I am sorry that Dr. Johnson should have committed himself to it.

“The Lord Chief Justice: *I am not.*

“Dr. Kenealy: It is opening the door to any amount of equivocation and fraud.

“The Lord Chief Justice: It is simply this, that every rule, however sacred, may have some special exception.

“Dr. Kenealy: I do not think there can be any exception to the question of truth.

“The Lord Chief Justice: I do not agree with you.”

Here was palliation of falsehood coming from the highest judicial authority in the land, and which, being circulated throughout the country was calculated I think to bring discredit on the Bench. As to Dr. Johnson being our greatest moralist, if this be a specimen of his morality I can only wish it were better. But I cannot believe that Dr. Johnson spoke thus; it must have been that Boswell in his half-whisky toddy moments misrepresented his patron. However, I cannot go further into detail. I state in my place in Parliament, and on my responsibility, that these things have taken place, and I have to add, pledging myself as a man of honour for the truth

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of my statement, that the summing-up of the Judge was most elaborate against the defendant. Everything that told against him was put forward in the most prominent light, whilst whatever told in his favour was left in obscurity. I will not say that the latter were not alluded to, but certainly they were not put in such a shining light as the incidents on the other side, and this I shall be able to prove when we obtain a proper Court of Inquiry. At present I can go no further. I cannot do impossibilities. I cannot expect hon. Members to follow me line by line through the summing-up of the Chief Justice; but at the proper time I hope to be able to prove that it was one-sided from beginning to end, and if I am able to do so, that will serve my purpose. And now, Sir, I have done. I have gone through a most ungracious task. It can be no pleasure to me to bring before this Court, the great high Court of the nation, a gentleman with whom I once lived in habits of intimacy and friendship, and for whom I entertained as sincere a regard as one man could entertain for another. I went into his Court with the strongest conviction on my mind that the man I was defending would receive justice. My interest was not to quarrel with the Judge, for every one knows that to be on bad terms with the Judges is fatal to the career of a barrister. I submitted, therefore, as long as I could, until the question lay between my duty and my interest. I might, by sacrificing my client, have kept on terms with the Bench, but I decided to sacrifice interest to duty. I did sacrifice myself to honour. For that which I have done in that Court I have been ruined in my profession, but I entertain no feeling in bringing forward this Motion—no feeling apart from a desire to do my duty. This unhappy man was never a hero in my estimation, although at the same time I differ from the right hon. Gentleman the Member for Birmingham, who described him the other evening as a man unworthy of our sympathies. The right hon. Gentleman will believe me when I say that for his conduct towards me in this House, I have no feeling but one of gratitude. But the country is not coming forward in behalf of this man, because they believe he is worthy of sympathy in himself, but because they believe he has been wronged.

I admit it is no light thing for three Judges who tried this case to find themselves arraigned as they have been. It has been said in the newspapers that I have gone about the country abusing the Judges. It is utterly false. Whatever I have said about the Judges remains in manuscript, and every word of the language I have delivered remains exactly as it was read, and there is no word of abuse of the Judges in that lecture from beginning to end. I have stated such matters as I have stated this night. Matters for which I have had to rely upon my own knowledge I have given upon my own authority; where I had them upon other authority I have given my authority. The whole question, as it now stands before the House, is a question of the law and the justice of England. If this House does not interfere, this man, who may be Roger Tichborne—whose mother lived and died in the undoubted belief that he was Roger Tichborne—this man may and must rot in gaol. I am sorry that the hon. and learned Gentleman whom I see sitting opposite to me, the Attorney General to the present Government, did not think it right or expedient to grant a Writ of Error in this case. I am sure that that hon. and learned Gentleman knows perfectly well that I have no feeling towards him but a feeling of admiration of his honour and his character; and he will not be offended when I say that he was brought up in the school of Equity, and that he cannot be supposed to be perfectly learned in Common Law. I think he could not in the refusal of that Writ of Error have acted upon his own judgment; and, if he has acted upon the judgment of others, it is to be lamented. There was, on the part of Tichborne's supporters, the most perfect desire from the beginning to the end of this trial that everything should be conducted in the purest and strictest way. It was not until the refusal of the Writ of Error—which, I say, would have been a Writ of Right in this case—by the hon. and learned Gentleman that discontent began to make itself manifest in this matter with any rapidity. An action was brought against an officer in the Petty Bag Office, to try whether the refusal to grant the Writ of Error could be justified, and I am sorry to say that that action was stopped by the order of a learned Judge. And therefore we are

denied our Writ of Error by the dictum of only one man, and we are denied our appeal against that dictum by one Judge, and we have now no remedy but in an appeal to this House. I stated the other night that I should never again be allowed to bring on this Motion; and though the right hon. Gentleman the Member for Birmingham appeared to dissent from that, I believe, from the particular form which this Motion has taken, I shall never be able to bring it on a second time. Well, then, are we to have a Royal Commission or not? There are millions of people who, without such an inquiry, will refuse to believe that this trial was fairly conducted. There are witnesses upon witnesses whom we had no opportunity to produce at the trial. We were laughed at, and we were sneered at, in that trial, because we spoke of an old Hotel de Louvre in Paris. Witness after witness among those French priests said they had never heard of such a place; but now I am told that there was such a place as the old Hotel de Louvre, and that it can be proved by irresistible evidence. Now that is a most important matter, and if it be true that there was such a place, it could only be known to Roger Tichborne, and could never have been known to Arthur Orton, who was never in Paris in his life. I would implore hon. Gentlemen opposite in no spirit of hostility to them—because I have none—but in a spirit of most anxious desire that they should occupy the very highest position in the estimation of their countrymen—I would implore them to grant this Commission. Do not, I beseech you, in the face of justice and common sense, set yourselves against the almost intense and passionate desire which our people have at this moment for a further and a fuller investigation of the case of this unhappy man. Now or never is the time. I believe I shall not again be able to bring forward this Motion. I told the right hon. Gentleman the other night, and I repeat it now in the most sincere language of my soul, that if this appeal be disregarded, there will be a feeling of dismay and rage throughout the country. The intense and passionate love of justice on which Englishmen have always prided themselves seems wounded to the very tenderest core. I am convinced that nothing right hon. Gentlemen can accomplish can do more

for the public good than will be done by according the Commission I ask for. The obstinate refusal of it will only increase the present feeling. Nobody can stop that feeling, nobody can tell where it will end. I myself look upon it as the most serious and grave feeling possible. I, myself, know the feeling there is among the soldiers of England. I do not believe or imagine that it will ever come to anything serious, because I believe there is quite enough common sense on the respective benches of this House not to do anything that will provoke the feeling of the people. The people of England were never more serious than they are in this matter, and I again implore that the Commission I have asked for may be granted. I will now conclude by thanking the House for the honour it has done me in according their attention to what I have said, and beg to move the Resolution.

MR. WHALLEY seconded the Motion.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying Her Majesty to be graciously pleased to appoint a Royal Commission, to consist of Members of both Houses of Parliament, to inquire into the matters complained of with respect to the Government Prosecution of *The Queen v. Castro*, and to the conduct of the Trial at Bar and incidents connected therewith, and certain incidents of the said trial which have occurred subsequent thereto." — (*Dr. Kenealy.*)

THE ATTORNEY GENERAL was about to address the House, when

MR. MORLEY, interposing, said: May I ask permission, as my name has been mixed up with a gross misstatement in the speech of the hon. Member for Stoke, to make an explanation? The way in which it occurred was in connection with a meeting at Bristol. A few weeks ago I was in Bristol, and was invited by the secretary of the Kenealy and Tichborne Association to grant an interview to four members of that society. I granted that interview—perhaps unwisely—but it fortunately took place at the office of one of the leading firms of solicitors in the city of Bristol—Brittan and Sons—and there were present a member of the firm, and Mr. William Terrell. I conversed freely upon the subject, especially with reference to the presentation of a Petition on the subject of the appeal made to-night, and I consented to present

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any Petition from Bristol which was worded in conformity with the Rules of the House. In conversation, the name of Sir John Coleridge was mentioned, and respecting that conversation, I was greatly surprised to see subsequently a statement, which appeared in a Bristol paper, and had appeared originally, I believe, in *The Englishman*, that I had represented Sir John Coleridge as having stated his opinion that the Claimant was not Orton. I am not disposed to rest my denial upon my own assertion, which I can assure the House is truthful; but the two friends to whom I have referred inserted a short note in *The Western Daily Express*—

"To the Editors of *The Western Daily Press*."

"Gentlemen,—We have before us a letter which has appeared in *The Englishman*, purporting to be signed by the four members of the Bristol Tichborne and Kenealy Association who formed the deputation that waited upon Mr. Morley. In this letter they insist upon the statement previously made by the secretary of the Association, that Mr. Morley told them that Lord Coleridge had given it as his opinion that the Claimant was not Arthur Orton. The conversation referred to took place in the office of Messrs. M. Brittan and Sons, and we were the only persons present besides Mr. Morley and the deputation. We are quite sure that the gentlemen who have signed the letter are under a wrong impression as to what actually passed at the interview in question, as our recollection is distinct that Mr. Morley did not attribute any such opinion to Lord Coleridge, but only referred to what his Lordship had said as to the exceeding cleverness shown by the Claimant in his cross-examination.

"We are, gentlemen, your obedient servants,

"WILLIAM TERRELL.

"ALFRED BRITTAN.

"Bristol, 20th April, 1875."

This letter was signed by the two gentlemen to whom I have referred. It states the exact truth of the case, and I have only to add that the statement of the hon. Member for Stoke is absolutely untrue.

MR. MILBANK: Mr. Speaker, I hope you will allow me to make a statement to the House. I wish to say that last Thursday week the Prittlewell Petition was read in this House, but I was unable to be in attendance from illness. It was not until the following day that I heard such Petition had been read to the House. The Petition, if the House will allow me to read, contained in one of the paragraphs a gross misstatement and falsehood—that is—

"That the Lord Chief Justice said to Mrs. Milbank, the wife of Mr. Milbank, Member for

the North Riding of Yorkshire, several months before the trial of the Claimant took place, that he would send him, if he came before him for trial, to penal servitude."

There is not one word of truth in that statement. I can give the words made use of. In the first place, Mrs. Milbank spoke to the Lord Chief Justice at a dinner party, and she said these words to him. She asked him a question concerning the trial—this, mind, was before the first trial ever took place at all. The Lord Chief Justice on being asked the question, replied—"I cannot give any opinion as I may have to try it on appeal." On another occasion—if I could call that an occasion at all—Mrs. Milbank spoke to the Lord Chief Justice about three or four weeks after the first trial took place. The date was the 19th of June, 1871. I ask the House to remember the date, because it is insinuated by the hon. Member for Stoke—who has gone stumping the country through from one end to the other, telling the public—gulling the public—that this statement was made after the first trial, and, in fact, after the Lord Chief Justice was appointed to try the case at bar. Now, if the House will allow me, I will read the words that took place, and the House will then judge for themselves. Mrs. Milbank said to the Lord Chief Justice that Lord Rivers believed so firmly in the Claimant that she believed he would never give him up, even if he was found guilty. The Lord Chief Justice then said—and the House may believe in a laughing and joking way—and the Lord Chief Justice did not know Lord Rivers at the time—

"Present my compliments to Lord Rivers, and tell him that in that case, he may probably have to accompany his friend to penal servitude."

Unfortunately these words were told to Lord Rivers, who happened to call next day, also as a joke. On these words, spoken long before there was any idea of the second or criminal trial, the hon. Member for Stoke has founded this disgraceful charge, which he has made in his speeches throughout the country. I thought it only fair to make this statement. I was ready for the hon. Member for Stoke, but you will observe that in his speech he never said a word about Mrs. Milbank or myself. I ask him now why did he not? I ask him now, did he this morning receive a letter from Lord Rivers, and will he, or dare he

read it to the House from beginning to end? [Dr. KENEALY was about to rise.] I will not, however, trouble the hon. Member to do so. I have got a copy of it here. Lord Rivers sent me a copy of it this morning. [*Cries of "Read, read!"*] I will read you the letter. In it he says—

"To the Member for Stoke,—I received your telegram by post this morning"—he thought he had got into a scrape—"and send this to London that you may receive it early on arriving there to-morrow. I went to London on Monday, and accidentally called on Mrs. Milbank, whom I found very angry at the mention of her name in the Prittlewell Petition. Mrs. Milbank said she had this day seen the Lord Chief Justice, and reminded him of the conversation, which he at once admitted, and therefore Mrs. Milbank's letter to *The Times* was meant as denial of the accuracy of the statement and not a denial of what I told you. As, however, by the wording of the letter, the latter appears to be the case and you call upon me for an explanation, I am bound to give it that I may not appear as having told you an untruth. I must at the same time express my surprise at the unjustifiable use you have made of Mrs. Milbank's name and the breach of faith you have thus been guilty of towards me. When I gave you the statement I coupled it in confidence with the name of the lady who expressed her willingness to swear, if necessary, to the truth of the assertion before any one the Lord Chief Justice might appoint in private, but naturally objected to her name being made public use of. I certainly had a right to expect that the usage among gentlemen and men of honour would not have been departed from by you, and that a private communication, especially in which a lady was concerned, would have been held sacred. On the contrary, there is scarcely a platform in the kingdom or an issue of *The Englishman* in which there has not been a direct violation of the promise made to me by you."

DR. KENEALY: I beg to be allowed to answer the hon. Member although I have spoken before.

MR. SPEAKER: I may remind the hon. Member that he will have the opportunity of replying. ["Now, now!"] If the hon. Gentleman desires to make a personal explanation he is at liberty to do so.

DR. KENEALY: I feel much obliged to the House for allowing me to make a personal explanation. The exact words of Lord Rivers in the first or second interview with me when giving his reasons why the Petition should be sent in I will read as follows:—

"Mrs. Milbank: You are going to try the case of a friend—of an old friend of mine.

"The Lord Chief Justice: Who is your old friend?

"Mrs. Milbank: Lord Rivers.

Mr. Milbank

"The Lord Chief Justice: Who is your friend's friend?

"Mrs. Milbank: Sir Roger Tichborne—the Claimant.

"The Lord Chief Justice: Give my compliments to your friend Lord Rivers, and tell him I shall send his friend to penal servitude."

These words were published on the 1st of August, 1873. Lord Rivers saw them immediately on their publication, and Lord Rivers, after their publication, accompanied me to Milbank to see the prisoner there, and he never remonstrated with me that the version which I gave different from the present version, and never until this morning, when I received that letter had I the least idea that Lord Rivers was going to give a different explanation of it. I have received letters from him in the interval of a friendly character, which I can produce, if the House will allow me, but in no letter did Lord Rivers ever tell me that I had misrepresented what he told me. I asked Lord Rivers myself before the subject was printed in the paper—I sent him a copy of this very thing—I saw Lord Rivers the next day, and reminded him of it, and he said it was substantially correct. Therefore, I think it extraordinary that an entirely different construction has been put upon it in the letter that has just been read. I take the liberty, Mr. Speaker, of reading to the House two letters which I addressed to Lord Rivers, which I think are evidence of *bona fides* on my part. I may add that it is absurd to suppose that there could be anything confidential in a matter which was to be made the subject of a Petition to Parliament. That view of it is too ridiculous for comment or denial. On May the 21st I wrote—

"My dear Lord Rivers,—I sent you a telegram to-day of which the following is a copy:—'I hear by telegram Mrs. Milbank contradicts in *Times* your Lordship's narrative to me. Kindly let me hear upon this.' I sent the above to Princes Gardens; but not having heard from you in answer, I fear it may not have reached your hands. I am perplexed by this, knowing your usual accuracy; and cannot understand why the lady should have delayed until now her contradiction of what has been before the world since August last. I distinctly challenged contradiction the other night in the House; but none was vouchsafed. It may be that Mr. Milbank was not there; but surely he must have known of this long ago, and ought not to have allowed the report to be circulated without immediate denial. This is a matter of which the outside world will form its own opinion. I have mine. I am anxious to hear from your Lordship as to what I should do on Friday, when the

case comes on, as I shall be sure to have the question raised in some way or other by Mr. Milbank or his friends. I can, of course, only refer to you as my authority for the statement. If you have anything to say upon it, I shall be glad to know.—Yours sincerely,

“E. V. K.

“P.S.—I fully agree with what Onslow tells me he said to you—that where Tichborne's life or death are in issue, we must not, out of false delicacy, spare the over-nice feelings of any one. Am I right in saying the lady is a connection of yours by marriage?”

To that letter I have received no answer. I then wrote again—

“My dear Lord Rivers,—Not hearing from you in reply to my telegram, I suppose you are out of town and have not seen Mrs. Milbank's extraordinary letter in *The Times* of yesterday, April 21st. I looked into *The Times* of to-day, the 22nd, expecting to see an answer, or an explanation from you. I cannot understand the lady or her denial. If the statement was inaccurate, she ought to have set it right some time ago; but I fancy she must be under some mistake or want of recollection. The matter must be referred to by me to-morrow night in Parliament, and I shall have to refer to you as my authority. I shall leave here in the morning, and shall be at Gray's Inn from 1 to 3. At the latter hour, to the moment, I shall leave for the House where I wish to get a good and early seat. I hope to have the honour of hearing from or seeing you when I get to London or before I leave for Parliament. You always told me that when it came to the point Mrs. Milbank, though unwilling to be mixed up in such a matter, would boldly speak the truth. What am I to say or think now after her denial?”

THE ATTORNEY GENERAL said, that the hon. Member for Stoke had at length had an opportunity of bringing under the notice of the House those circumstances of the trial of “*The Queen v. Castro*,” which, in the opinion of the hon. Member, supported his view that the trial had not been a fair one, and justified him in his application for the appointment of a Royal Commission, and he did not think that the hon. Member had any cause to complain of want of attention on the part of the House to the observations which he had felt it his duty to make. It would be an ill compliment on his (the Attorney General's) part to the hon. Member were he to suppose or suggest that the hon. Member had not brought under the notice of the House all the circumstances connected with the trial that appeared to him to be of importance for the purpose which he had in view. He did not forget that the hon. Member had, in the course of his speech, stated that there were certain other matters of a character similar to those which he

had brought under the notice of the House, but which he had refrained from referring to; but he did not understand that the hon. Member intended that it should be supposed that he had omitted to bring forward any points which were material to his case. He (the Attorney General) was consequently entitled to assume that all that could be urged had been urged by the hon. Member; and at some risk of being classed with the little lawyers and pettifoggers to whom the hon. Member had referred, it would be his duty to examine and to analyze the statements and assertions which the hon. Member had made, and to see how far they justified his application for the appointment of a Royal Commission to inquire into the various circumstances of the trial. Notwithstanding the disclaimer which the hon. Member had made at the commencement of his speech, he (the Attorney General) ventured to assert that the question which the hon. Member had brought forward amounted in substance to an appeal from the duly constituted criminal tribunals of the country to the judgment of the House. The prisoner Castro, after a trial of unprecedented duration, was convicted and sentenced upwards of 12 months ago; in the exercise of a right which he was entitled to assert, he applied to the Court of Queen's Bench for a new trial, and, so far as his advisers thought it necessary or expedient, he brought under the consideration of that Court, which comprised other Judges than those who presided at the former trial, all the circumstances that might have a tendency to show that his conviction had been contrary to the evidence, or that might otherwise indicate that his trial had not been a fair one, and the result was that his application for a new trial was unanimously refused by the Court. The hon. Member had referred to another incident that had occurred since the trial, and which more particularly affected himself (the Attorney General.) The hon. Member was quite right in his statement that the law imposed upon the individual who held the office of Attorney General for the time being the duty of considering the propriety of granting or rejecting any application that might be made to him for a Writ of Error; and such an application had been made to him (the Attorney General) in his official capacity on behalf of the

prisoner Castro. That application was based upon various grounds, which were drawn up with great deliberation and care by Mr. M'Mahon, a gentleman who had been the junior counsel for the defence at the trial, who had formerly been a Member of that House, and who possessed great experience and astuteness, and he was confident that every point that could with propriety have been urged on behalf of the prisoner was stated in the Memorial which was laid before him. He (the Attorney General) must altogether decline on the present occasion to enter into any justification of the decision at which he had arrived in the matter, further than to state [that, in refusing that application, he had discharged what was a judicial duty, and a painful judicial duty, to the best of his ability: as, however, the hon. Member had suggested that the refusal of such application had deprived the prisoner of a right which, if it had been granted, he would have had of disputing the fairness of the trial, he (the Attorney General) must beg permission to point out that the grounds of error which were brought under his notice were purely of a technical character, such as that a portion of the original trial at which the alleged perjury had been committed had been held in the Westminster Sessions House instead of in Westminster Hall; that the case was tried by a Middlesex instead of a London jury; and that adjournments of the trial had occurred which were not justified by the rules of the Court, and various other grounds of the same character; but there was no statement referring to the merits of the case, or alleging the injustice of the trial, or misconduct on the part of the Judges who presided over it. The prisoner Castro having thus availed himself, without success, of the privilege to which he was entitled in the ordinary course of law, of endeavouring to obtain a new trial, had now, through the aid of the hon. Member for Stoke, brought the matter under the consideration of the House of Commons. The hon. Member for Stoke had an undoubted right to bring under the consideration of the House any question that involved injustice, oppression, or even mistake on the part of our legal tribunals; but the House trusted to hon. Members to exercise a discretion in such matters,

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lest a valuable privilege should be perverted into an engine of mischief. He also felt bound to point out the great inconvenience that must inevitably ensue if the time of the House were taken up in retrying criminal cases that had been determined by the ordinary tribunals of the country. The constitution of the House and its mode of conducting business were ill adapted to the determination or consideration of complicated or controverted facts, and made it difficult for it to arrive at a right conclusion. But there was a still stronger reason, and it was this, that in the exercise of that freedom of speech which every hon. Member was entitled to in matters that were under discussion, it would be almost impossible to avoid being guilty of injustice towards absent parties who could not answer for themselves. With respect to the specific propositions of the hon. Member, he had proposed that the inquiries of the Royal Commission, for the appointment of which he had asked, should be directed to three classes of subjects — first, to the matters complained of with respect to the Government prosecution of "*The Queen v. Castro*;" secondly, to the conduct of the trial at Bar, and the incidents connected therewith; and, thirdly, to certain incidents of the said trial which have occurred subsequent thereto. The hon. Member had dealt with the first and third of these subjects in the first instance, and had postponed his observations on the second to the last, and he (the Attorney General) would follow the same order in replying to them. The hon. Member had introduced the first of these subjects to the House by expressing his own personal convictions as to the identity of the Claimant with Sir Roger Tichborne, and he assigned his reasons for entertaining those convictions. He spoke of his former client as being a perfect gentleman, of his having been recognized by Lady Tichborne as her son, and of the colour of his hair. But the hon. Member appeared to forget that all these facts, which appeared to him to be of such great weight, had been laid before the jury by whom the case was tried; not one word had fallen from the hon. Member imputing any corruption to the jury, or alleging any incompetency on their part to understand the case, and yet they had decided against the

prisoner in the face of the facts on which the hon. Member founded his present application. He (the Attorney General) thought that the House would be hardly justified in appointing a Royal Commission because one of the counsel said that he believed that the person charged was an innocent man, though he had been found guilty by the jury. Again, the hon. Member declared that popular opinion, to the extent of the belief of millions, was in favour of his former client, and that everybody believed that he was the real owner of the property of which he sought to recover possession; but that portion of the people to whom the hon. Member referred had not had the same opportunity of forming a just estimate of the merits of the case as the Judges or the jury had, and in all probability they had not read and studied the evidence given in the case with much care. When the hon. Member spoke about the existence of strong popular feeling on this subject, it must not be forgotten that the minds of the people had been much excited with reference to it by various publications and by speechifying, which had been carried on all over the country. That was the groundwork of the popular opinion, and that popular opinion had been created for a special purpose. The hon. Member, in the earlier part of his speech, had quoted some passages from a speech made by Burke, as long ago as 1770, upon a Motion by Serjeant Glynn for a Committee to inquire into the administration of Criminal Justice. The passages quoted by the hon. Member in support of his views that the conduct of Judges formed a proper subject for criticism in this House were eloquent and oratorical enough, but they contained very little argument. The hon. Member had called upon the House to remember the words of Mr. Burke, but he (the Attorney General) would ask the attention of the hon. Member and of the House to some passages in the speech of Mr. Fox, which immediately preceded it, and which appeared to be particularly applicable to the matter now under consideration. Mr. Fox spoke as follows:—

“We are told by the abettors of this motion that jealousies, murmurs, and discontents increase and multiply throughout the nation; that the people are under terrible apprehensions that the law is perverted, that juries are deprived of

their constitutional powers, that the courts of justice are not sound and untainted; in a word, that the judges, like a dozen of monstrous Patagonian giants, either swallowed, or are going to swallow up both law and gospel. And how do they prove the truth of these allegations? The manner is pleasant enough. They refer us to their own libellous remonstrances, and to those infamous lampoons and satires, which they have taken care to write and circulate. They modestly substitute themselves in the place of the nation, and call their own complaints and grievances the grievances of England.”—[*Parl. History*, xvi. 1264.]

Such were the views of Mr. Fox, and the House would form its own opinion whether they or the passages quoted by the hon. Member from the speech of Mr. Burke were the more applicable to the present question. After having made some general observations as regarded his own personal share in the exciting of public feeling throughout the country, the hon. Member proceeded to indulge in some remarks which it was extremely difficult to follow. He appeared to attribute to the late Government some corrupt idea of securing the conviction of this man but for no assigned or comprehensible purpose. The hon. Member had used expressions which accused the Government of conniving at forgery, of having been the abettors of fraud and wickedness, and of having entered into a conspiracy to defraud this man of his rights. He charged them with having stuck at nothing to make certain persons hostile to the Claimant, and he asserted that one man who had intended to be a friendly witness had been converted into a foe by the gift of a Government appointment. He went into a long tirade on the conduct of Sir John Coleridge in reference to the trial, and suggested that he owed his promotion—which he said never ought to have occurred—to his present post—a post which he filled with much dignity and with great advantage to the country—to what he had done in opposition to the Claimant. In addition to all this he asserted, or at least suggested, that their conduct in relation to this trial had led to their ejectment from office. He (the Attorney General) was utterly unable to understand the gist of the argument of the hon. Gentleman in that part of his case. He would, therefore, pass on to the third reason assigned by the hon. Member for the appointment of a Royal Commission—namely, that it was desirable to inquire into

certain incidents connected with the trial, but which had occurred subsequent thereto. He had been curious to know what these incidents were. It appeared from the statement of the hon. Member that certain declarations appeared to have been made by parties in Australia, and possibly by some in England, which were not before the jury at the time the original trial took place, and it was intimated that want of money was the cause of their not being forthcoming. But if he (the Attorney General) recollected rightly, the evidence of one or two of the witnesses mentioned by the hon. Member had been produced at the trial, and the evidence of others might have been adduced if it had been deemed prudent to do so; he believed also that the junior counsel for the defendant had been in Australia himself, and had taken the evidence of witnesses. The hon. Member appeared to attribute much importance to a horse stealing case, as to which it would appear that upon a particular occasion two men, going by the name of Orton and Castro, were tried for horse stealing, and the inuendo of the hon. Member was that as Castro and Orton were both tried at the same time, they could not be the same persons, but it was no uncommon thing for persons engaged in that kind of occupation to change their names; and, therefore, to prove that a man named Orton or a man named Castro had on a certain occasion been convicted might be no evidence whatever of the identity of either. This seemed to be the nature of the materials which the hon. Member had referred to as having come to hand since the trial. His (the Attorney General's) impression was, that evidence of a similar kind had been given, but perhaps it had not been thought worth while to produce the whole. Under the circumstances, it was difficult to find in the incidents which had occurred subsequent to the trial sufficient reason for appointing a Royal Commission. Doubtless the hon. Member thought he was reserving his best shot for the last, and therefore postponed the consideration of his second reason for asking for a Royal Commission until after he had dealt with the first and third. With reference to the conduct of the trial at Bar, he had brought forward a variety of charges, the greater part of which seemed to de-

pend solely upon the allegation of the hon. Member. In particular, he complained of certain statements which were said to have been made by the Lord Chief Justice to different persons, and which it was contended showed that that learned Judge had prejudged the case. As one instance he cited the authority of the Claimant for something which the latter said the hon. Member for Peterborough (Mr. Whalley) had told him the right hon. Baronet the Member for Tamworth (Sir Robert Peel) had been heard to say he had been told by the Lord Chief Justice. That was a specimen of what the hon. Member treated as evidence and upon which the House was asked to act in the appointment of a Royal Commission. The hon. Member further told them that they were to treat any assertion made by the Claimant as though made by a man who was worthy of credit, but surely if a person had been convicted of perjury, as this man had been, without saying that he was utterly to be disbelieved in everything that he stated, the fact of his conviction went a great way to establish that what he said was not necessarily to be accepted as true. It was well known, moreover, how statements which were of the utmost insignificance, when spoken by one person to another, often became of great importance when the story had been constantly repeated by different persons. Another of the hon. Member's statements would illustrate this. A lady had happened to say that the Lord Chief Justice had once said to her that he believed the Claimant to be guilty—at least this was the allegation of the hon. Member—and although no doubt the words if used had had reference simply to a hypothetical case, they had been distorted into a statement that the Lord Chief Justice was determined, whatever might happen, to send the man to penal servitude. Other assertions of the same kind would probably be found on examination to shrink into nothing. Another allegation was that the Court of Queen's Bench, in the course of the trial, had, in an extreme degree, exercised its powers of committal for contempt of Court, as against the Claimant and his friends, while the prosecution were enabled to commit much greater offences without having to answer for them; but when offences of this kind had been committed, the offenders were

punished, not so much for their comment on facts, as for the manner and the place in which those comments were made. When a mere country newspaper made a simple allusion or remark to the subject-matter of the trial, without any indication of ill-feeling or ill-will, it might no doubt be guilty of a technical contempt, but it was not to be punished in the same way as others who were actuated by different motives. If hon. Members would take the trouble to look back into the reports of the trial, they would see the difference between the cases in which punishment was, and those in which it was not, inflicted. The hon. Member had brought forward as one of the strongest instances of misconduct in the course of the trial, the prohibiting the Claimant from going about the country to the various shooting matches which took place for the purpose of raising money for the defence, but surely the hon. Member could not have forgotten that the occasion of those shooting matches was not availed of for the purpose of shooting only, but for the purpose of discussing the trial then pending, and that platform speeches were made by the Claimant and others in which persons in authority were brought into contempt, and that it was in consequence of the language used at those places that the Claimant was prohibited from going about the country. Then the hon. Member was severe on what he called "the conduct of the Judges in giving evidence;" but it must be well known not only to legal Members of the House, but to others, that there were certain matters of which a Judge must take cognizance, as being clearly within his knowledge, although not in the evidence before him. There might be circumstances which it was in the interest of everybody to have clearly explained, and which it might be in the power of the Judge to explain. The hon. Member, however, had not attempted to point out any of the instances in which he said the Judges had given evidence, with the exception of the circumstances attending the Grotto, and that, in regard to one point in the evidence, the Lord Chief Justice had mentioned that one class of sailors were measured in their shoes, and another in their stockings only; and surely if that well-known fact served to explain the evidence, it was right for the Judge

to mention it. However that might be, it was difficult to find in such conduct any ground for instituting an inquiry by a Royal Commission. The hon. Member further charged the Lord Chief Justice with the palliation of falsehood from the Bench, and he read certain passages—which of course it was somewhat difficult to follow as he read them—in support of the assertion. No one who knew the Lord Chief Justice could suppose for a moment that he would palliate a falsehood, and he (the Attorney General) ventured to say that there was nothing whatever even in the passages which had been read which afforded the slightest foundation for such an allegation. The hon. Member asked the House to accept his statement, based on his recollection, of what had occurred on the trial, but he (the Attorney General) thought he was justified in asking the House to give the three Judges of the Court of Queen's Bench—with respect to whom not a breath of suspicion had ever before been raised with regard to their integrity, their honour, or their impartiality—some credit for having exercised sound judgment and discretion and common honesty in the exercise of their judicial duties, and he thought that the House would be of opinion that the questions before the Judges and the Jury had been properly disposed of. He did not know that he need occupy the time of the House further. Following the line of reasoning adopted by the hon. Member in support of his Motion, he had endeavoured, as far as he could, to analyze the arguments he had used in the course of his speech, and it appeared to him that the hon. Member had utterly failed to assign any good reason for the granting of a Royal Commission. Indeed, it appeared to him that on no one of the several points which he had urged had the hon. Member made out a case. All the hon. Member had said was, in effect, that if he were given a Commission he could call witnesses who might be able to dispel the mists which hung about his strange story. It was not, however, the custom, even in the Superior Courts of Law, to grant a new trial merely on the supposition that something might come out which might alter the complexion of the matter; and, even if the House of Commons were regarded as a Supreme Court of Appeal, he thought it

would never adopt such a course as the hon. Member suggested, unless some most important and most cogent matters were brought forward for its consideration, and unless it was perfectly satisfied that there had been a miscarriage of justice. The hon. Member had referred to the case of Lord Cochrane, but the circumstances of that case, which occurred 60 years ago, were very different from the present. Lord Cochrane, having been tried and found guilty of an offence, a Motion was afterwards made for his expulsion from the House: that Motion was met by a proposal for the appointment of a Select Committee to inquire into the facts of the case against Lord Cochrane, with the view of seeing whether what had been treated as proved in the trial could be controverted, but the feeling in the House was so strong against interfering with the decision of the Court that had tried him that the proposal was withdrawn, and the Motion for his expulsion was carried by a large majority; a subsequent Motion, made after his expulsion, was merely an application that, in consideration of the very great services he had rendered as a naval officer, the ignominious portion of his punishment—namely, standing in the pillory—should be remitted; but in the meantime the Crown, in consideration of the distinguished services Lord Cochrane had rendered to the State, remitted that portion of his sentence. Lord Cochrane was a Member of the House and of high and distinguished reputation in the noble profession to which he belonged—a man whose acts of heroism and bravery were in everybody's mouth; but even in his case, there was nothing which could be regarded as a precedent for the Motion before the House. In conclusion, he the (Attorney General) would only repeat that the hon. Member had had the opportunity, for which he had expressed himself to have been so long desirous, of bringing the case of *The Queen v. Castro* before the House. He had done it that evening, if he (the Attorney General) might be allowed to say so, in a manner and in a temper with which nobody could find fault. He had brought the matter calmly and dispassionately before the House, although, at the same time, he had expressed his views very strongly, as he had a right to do, if he believed in the justice of his case and the truth

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of his assertions. On the other hand, he (the Attorney General) had endeavoured fairly to meet the arguments which the hon. Member had adduced, and he submitted to the House that no case whatever had been made for the appointment of a Royal Commission.

Mr. WHALLEY said, that the hon. and learned Attorney General, although a Chancery barrister, had answered the speech of the hon. Member for Stoke in a purely *Nisi Prius* speech; but he (Mr. Whalley) did not think that course of proceeding was at all the proper way to meet this great question, or one in accordance with the wishes of the right hon. Gentleman the Member for Birmingham, who was looked up to with so much respect and reverence, he might say, in that House, or those of the right hon. Gentleman at the head of the Government, who had greater responsibility in this matter than he at present seemed to be aware of. Both those right hon. Gentlemen wished the matter to be discussed in that House, and as they said, settled and disposed of. The hon. and learned Attorney General had referred to public opinion, and he said the public feeling on this question was due to some such causes as gave rise to public disaffection at a remote period. He (Mr. Whalley) did not think that was a just view to take of the matter, and he emphatically denied that the feeling that had been aroused in the country in favour of the Claimant was in any material respect due to anything that the hon. Member for Stoke could have said or written. That hon. Gentleman had been severely spoken of on former occasions in that House about *The Englishman*, and he had been treated there very much in the same manner, in the opinion of the public, that he was treated in the Queen's Bench. There could be no doubt that the case of the Claimant was weakened by the advocacy it had received in *The Englishman*, and he referred to it as strengthening the application for a Royal Commission, knowing that the feeling of the public in favour of the Claimant arose from an honest conviction that he had not had a fair trial. He paid the expenses of the last 50 witnesses that were examined for the Claimant out of his own pocket, and it was not from the want of witnesses or money to bring them up, as alleged by the hon. Member for Stoke, that the

public believed he had not had a fair trial, and had been unjustly convicted, but from the exercise of the power of Contempt in the suppression of public discussion, preventing the man going to private meetings, and to the course pursued towards his advocate, which rendered it impossible that the advocate, under the fire of rebuke and obloquy to which he was exposed, could do justice to his client. He was not there to arraign or defend the hon. Member for Stoke. If the man was innocent, and he had been found guilty in consequence of the hon. Member for Stoke having at an early period of the trial come into collision with the Bench, and that the jury could not find a verdict without appending to it a censure on the hon. Member for Stoke, was quite sufficient for the Motion. The hon. and learned Member for Taunton (Sir Henry James) had denounced him (Mr. Whalley) as a mountebank. He accepted the compliment. He never felt more proud at anything he had ever done than the part he had taken in this trial. Seeing a man overwhelmed, as he thought, by a great power, and believing from circumstances within his own knowledge that he was the victim of a conspiracy, he supported him. The Claimant had been prosecuted under circumstances never before known, and he challenged the hon. and learned Member for Taunton, who had got up this case, to show a single instance where a man had been prosecuted by Government under similar circumstances. So convinced was he that the Claimant was the right man, that he would appear on every platform in the country, and beg from door to door for money, that he might be defended. It was from his attending many of these meetings that he ascertained that the feeling of the public in the Claimant's favour was based upon the broad facts of the trial, and not from any speeches that he had made, or any personal influence that he possessed. On none of these occasions was there a feeling that the Claimant had had a fair trial in the Common Pleas, or at all events in the Queen's Bench. It was absurd to suppose that this state of feeling was produced by the lampoons which had appeared in *The Englishman*. The House must be pleased to condescend to consider that they were not in all respects a competent body to decide upon

this question, and that the end of forcing on the Motion would probably fail to be attained, for the House was a judge in its own cause. It had ordered the prosecution under circumstances never before known. Sir John Coleridge was counsel for the family in the case before the Common Pleas, and urged, or, at least, sanctioned the action of the Judge in the Common Pleas, and upon that evidence the Claimant was sent to Newgate, instead of a preliminary examination before a magistrate being allowed. The reason assigned by the public for that course being pursued, was that he was thereby not entitled to have any allowance for his witnesses. Subsequently, when questioned in that House, the hon. and learned Gentleman threw the responsibility of the prosecution on the Home Secretary and the Chancellor of the Exchequer, and disclaimed responsibility himself, because he had been counsel in the cause. The present right hon. Gentleman the Secretary of State for the Home Department had, in like manner, refused to give any explanation concerning the expenses of that prosecution. In that case the House of Commons was responsible for a departure from common sense for allowing their officials to act on such information, and the House could not throw the blame from itself. Again, when last Session, having read a letter from the Lord Chief Justice respecting his being sent to prison, he moved that the subject be referred to a Committee of Privileges, the Prime Minister took upon himself the whole responsibility of proposing the Committee and nominating the Members. That Committee did not think the matter he brought before them sufficiently pertinent. The matter was simply this—because he had ventured to express an opinion that a man who had been committed for perjury was not guilty, he was fined £250 and sent to prison, because he declined to pay the money until he had some opportunity of explanation. This statement was contained in a letter written by him, but not published with his consent, in answer to what he believed was one of the most atrocious conspiracies by the detective officers of this country that was ever brought to the notice of the public. Subsequently, when he was about to submit the matter to the consideration of hon. Members, the House was, by the connivance of

both parties, counted out. He mentioned these circumstances to show that the House ought to exercise some degree of special consideration before it rejected the Motion of the hon. Member for Stoke. He would now call attention to the letter respecting himself, written by the Lord Chief Justice a few days ago. In that letter, which was written to the hon. and learned Member for Ipswich (Mr. Bulwer), the Lord Chief Justice complained of a statement made by him (Mr. Whalley), imputing to the Lord Chief Justice that he had addressed to the hon. Member for Stoke language to this effect—"What would happen if the defendant should not be found guilty? What a moral and social disaster it would be if these high personages were convicted of perjury!" The learned Judge emphatically denied, and he was confirmed in that denial by the other two learned Judges, that he had made use of any such language; but all he (Mr. Whalley) had to say was that he did not condescend to make any personal explanation in answer to the Lord Chief Justice. With regard to the letter of the Lord Chief Justice, he recognizing the ring of that learned Judge's voice when the letter was read to the House the other day; but as he found himself, on reflection, seated on the benches of the House of Commons, and not in the Court of Queen's Bench, he felt considerable relief. What he wished to point out was the animus and tone of the language in that letter, which deserved the attention of those hon. Gentlemen who had charge of the Privileges of that House. He had consulted Sir Erskine May's book with reference to the question, and learned from it that to insult a Member of Parliament for what he had done in the discharge of his duties was a high crime or misdemeanour. What did the Lord Chief Justice say in that letter? He spoke of the "statement made by Mr. Whalley to the House of Commons" as being "so preposterously absurd and ridiculous that it carries with it its own refutation." The Lord Chief Justice, instead of using such language as that, might have simply said that the statement was not correct. Why should he say "preposterously absurd and ridiculous?" Why disparage an unfortunate Member of Par-

liament in that way? Besides, the statement was not "preposterously absurd and ridiculous." Since that letter was read, he had been inquiring into the matter, and Mr. Guildford Onslow had written him on the subject, a reply which the House, to whom that gentleman was not unknown, would hesitate to disbelieve. Mr. Guildford Onslow sent him a copy of a portion of the report of the learned counsel's speech as given in *The Daily News*, Dr. Kenealy had just before undertaken to prove that the whole story about the tattooing was a pure and wicked invention, and then followed this remark by the Lord Chief Justice—"Remember well the moral influence that the conviction of those high personages of perjury would have upon the country;" to which Dr. Kenealy replied—"Moral influence, my Lord, is not to be considered in a criminal case." But he had besides a letter to the same effect from the hon. Member for Stoke himself, and an affidavit from Mr. Harding, who acted as a secretary to the Claimant, and always sat by his side in the Court. The letter then went on—"It is not only untrue from beginning to end, but absolutely destitute of the slightest shadow of foundation." Were these Judges paid for exercising great volubility of language? Surely, they had a better field for the exercise of their powers than in vituperation, and in assailing Members of Parliament. The letter went on, in effect, to say that he (the Lord Chief Justice) could not suppose Mr. Whalley would intentionally misrepresent him in what he had done in the discharge of his judicial functions, for the purpose of damaging his judicial character. That, of course, deprived the Lord Chief Justice of the slightest excuse for using the language now complained of. The letter further stated that it was "difficult to suppose any one possessed of common sense could have been imposed upon by a statement so extravagantly absurd as he (Mr. Whalley) had made." The letter of the Lord Chief Justice was countersigned by Mr. Justice Mellor and Mr. Justice Lush, who said,—"We fully confirm what has been said by the Lord Chief Justice. Mr. Whalley's speech is entirely without foundation." The hon. Member for Stoke, however, would no doubt be able to say whether the statement in question was without foundation

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or not, and he confidently appealed to the hon. Member, whether with his own ears he did not hear the words which he (Mr. Whalley) had attributed to the Lord Chief Justice. If the Government refused to furnish the House with copies of the shorthand notes of the trial, it was impossible for him to point out the particular statement to which he referred. He had, however, in his possession the affidavit of his friend (Mr. Guildford Onslow); but he could not search through that hay-rick (referring to documents) to find that particular needle. Let the hon. and learned Member for Ipswich himself look for what he wanted. But, in any case was it true—was it not palpably untrue, deliberately false, on the part of the Lord Chief Justice—[“Oh, oh!” and “Order!”]

MR. ONSLOW rose to Order. He wished to know whether the remarks which had just fallen from the hon. Member were not out of Order?

MR. SPEAKER: The language of the hon. Member, though strong, is not out of Order, not being applied to any Member of the House. I hope, however, that he will restrain his language.

MR. WHALLEY regretted that the hon. Member for Guildford had not allowed him to finish the sentence. He would act upon the suggestion of the right hon. Gentleman in the Chair, and would only say that if he had transgressed, he must plead excitement consequent upon indisposition as the explanation and excuse of his strength of expression. The real issue was not merely whether the man was guilty or not guilty; but if not guilty, why there existed a conspiracy—a great and outrageous conspiracy—a social and religious or political influence at work—which had so contrived to make its power felt on the justice seat, in Parliament, and even with the Government, to such a degree that public money had been used to prosecute him in a manner utterly unprecedented. That was the issue. Was it destitute of the shadow of foundation? He was himself personally placed under suspicion, not of having been cognizant of the man being an impostor, but of conspiracy; and paragraphs got about in the newspapers immediately after the trial that he and his friend Mr. Guildford Onslow were to be indicted. Detective officers were even sent over to Brussels to make inquiry of

his own proceedings there, and the result was that one unhappy lady, of most respectable character, was absolutely ruined by the inquiries that were set on foot. One result of that debate would be, if the Commission were not granted, that those who sympathized with him would form an organization to discover the conspiracy which undoubtedly existed on the other side, and to discover it, too, without the aid of any paid detective or injury to anybody whatever, for a more deliberate conspiracy was never concocted in this country than the one to which he referred, the object of it being to deprive a man of his own property. That conspiracy was due to the religious influence of the parties concerned, who considered it expedient that the Claimant should be kept out of the estate. It was a contest with the law of England to see whether that influence—which was the religious influence directed by the great Catholic families of Norfolk, Arundel, and others, should prevail or not. That was his belief at the outset, and it was for that reason that he took up the matter, and he would never rest until the conspiracy was found out. Not merely for the sake of the man who was in prison. There might be others in prison on account of a miscarriage of justice; but the Claimant was there a monument of disgrace to the law of England; and he would either remain there, or he would come out. He was suffering under that subtle influence whereby many people were blinded and deluded. It was also those in high places upon whom the net of the Catholic and of Jesuit influence was exercised. It was on this platform that he should endeavour to keep alive the interest which was taken by the public in this question. The hon. Member for Stoke had been disbarred and deprived of his status as Queen's Counsel for his conduct on the trial. [“No, no!” and “Question!”] Perhaps the hon. and learned Member for Denbigh who said “No,” would rise and explain on what ground the hon. Member for Stoke had been disbarred. It was most important that the night should not be utterly wasted, and he wished the hon. and learned Member to explain on what ground the hon. Member for Stoke had been disbarred. The public looked to the matter with great interest, and considered the Government responsible for

the origin and management of the prosecution, and yet the hon. Member for Westminster (Mr. W. H. Smith) refused to give the House an account of the expenditure which had been incurred in carrying on the proceedings. The hon. Member was, as he had said, responsible for refusing the information that was asked for as to the amount paid to the witnesses, distinguishing those who were called and those who were not called. The hon. Gentleman, moreover, would not produce the affidavits which had been made in confirmation of what had been stated by the hon. Member for Stoke about the systematic forgery which had been committed in this case—showing that the jury were furnished with letters purporting to be written by the sisters of Arthur Orton which were never written by them at all. He had refused to furnish the House with those affidavits, and with the shorthand writers' notes which had been asked for. He would not further intrude upon the attention of the House than to remind hon. Members that the debate had been forced upon the House at the instance of the Government, with the sanction of hon. Gentlemen opposite to them, for the purpose of putting an end to the excitement and agitation which prevailed out-of-doors. On former occasions, it was stated that there was no necessity for discussion, and now it was stated that the House was constituting itself a Court of Appeal, in order that the decision might be final. Now, he thought that the course of the debate could not carry that conviction to the minds of the people. The entire point had been misrepresented by the hon. and learned Attorney General, who had represented that the agitation was entirely due to the hon. Member for Stoke. Now, he (Mr. Whalley) must repeat it was nothing of the kind. The conviction of the innocence of this man had been by every possible means placed before the public by Mr. Guildford Onslow and himself, when they were endeavouring to obtain the means of providing for his defence. Nobody disputed the evidence of the man's presence, demeanour, or language; or if they did so, they were soon convinced of their error. Having pointed out the origin of the agitation, the Attorney General was entirely under a misapprehension in supposing that the excitement exhibited by the public was

attributable to the conductor of *The Englishman*. Before concluding, he wished to call the attention of the House to one circumstance, which, perhaps, might have some effect in inducing the hon. and learned Gentleman to do justice. The hon. Member for Stoke had referred to a species of forgery; but he did not fully explain the species of forgery which had been perpetrated on the public in regard to the exhibition and sale in the shops in London of certain autograph letters—one supposed to be written by Arthur Orton and the other by R. C. D. Tichborne. These letters were obviously in the same handwriting, and there could be no doubt that they were written by the same person. They first came to his (Mr. Whalley's) knowledge when attending a meeting at Oxford. He immediately went to Mr. Guildford Onslow and the Claimant, and asked what was the meaning of that. The Claimant said that the letter signed Arthur Orton was written by himself, at the dictation of a man who was sent over to meet him at New York. He (Mr. Whalley) made that statement to the meeting, and he also communicated the fact to the Government. If that explanation was true, he had this question to ask of the hon. and learned Gentleman. These letters were in his hands, and were placed by him in the custody of the officer of the Court of Common Pleas, who was responsible for them. Now, how did they get out of his hands and become exhibited in the public streets? After the Oxford meeting, a meeting was advertised to be held in the St. James's Hall. Endeavours were made to prevent the holding of that meeting, by means of an injunction in the Court of Chancery; and when the parties failed in obtaining that injunction, a shorthand writer was sent to take down what Mr. Onslow and himself might say, and out of that arose the proceedings for Contempt of Court. This House might enfold itself in the confidence of its own supremacy; but they might depend upon it that out-of-doors they would not be satisfied with the verdict of this House. It would only increase the excitement and agitation, and deepen and intensify the public scandal of the hitherto untainted and unsullied administration of justice. He would only add that so far as the hon. Member for Stoke and himself were concerned—as well as all the other fools and fanatics

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who took the same view of the question—they would be perfectly prepared to abide by the result of the inquiry for the institution of which they now asked.

CAPTAIN POLHILL-TURNER said, that as a brother officer of Roger Tichborne, he wished to be allowed to make a few observations. He wished on his part and that of his brother officers of the Carabineers, who had given evidence on the trial, to say that they had done so under the deepest sense of responsibility. He begged, he might add, to tell the hon. Gentleman opposite the Member for Stoke that evening, as he had informed him at the other side of Westminster Hall, that he did not believe in his client, who, in his opinion, had never been in the Carabineers, or even a soldier at all, and who, in fact, had told a great many lies on the subject. He should be the very last person to like to see a man who had been his brother officer where the Claimant was now; but he was of opinion that he was an impostor from the very first moment he saw him in 1867, and to that opinion he had ever since adhered. He had not the same hair as Sir Roger Tichborne, and certainly not the same nose. It was also remarked that his hair seemed to grow darker from day to day as the trial proceeded. No doubt, a good many soldiers gave evidence in the Claimant's favour; but they had not the same means of judging of the man that the officers had, and he believed that only two officers were found in his favour out of 16 or 17. Since the trial, he had seen no reason to change his opinion, and should be ready to give the same evidence which he gave on the former occasion in any Court of Justice. He believed that the Claimant had a full and fair trial; but the weight of evidence was against him, and he was convicted, and he thought that the verdict of the jury would be endorsed by every right-thinking person in the country. He would say, in conclusion, that he thought the Claimant as Arthur Orton in Dartmoor Gaol was "the right man in the right place."

SIR HENRY JAMES: Were there not, Sir, special reasons on my part why I feel it my duty to address the House I should have preferred to have remained perfectly silent in this debate. When a few nights ago the hon. Member for Stoke said he had been treated since he

entered this House as a Pariah, perhaps those words fell with little meaning on the ears of most hon. Members, but to me they gave cause for reflection. For 20 years or more we had followed the same profession, travelling on the same circuit; and with regard to those years, I trust he will have memory now of nothing but amenity that ever passed between us. I fully appreciated his ability. I envied his great learning—and yet when he entered into this House I could offer him no welcome, I could give him no greeting. I do not tarry now, for there are serious questions before the House, to explain why I took that course; but I hope the hon. Member will think it was from no ill-will towards himself, and that every observation I make to-night will be affected by some recollection of our old acquaintance. I think I am justified in saying we have serious matters before us to-night, and if what is told us of what is occurring outside these walls be true, we ought, indeed, to treat this question as a serious one. I feel, in the first place, that the House ought to express itself as emphatically as it can that it has every desire to afford all opportunity for the reception of Petitions from subjects calling attention to grievances they believe to exist. Those words can scarcely be repeated too often. It cannot be expressed in too emphatic language that there is no hon. Member of this House who wishes to see the doors of it closed against Petitions that tell us of a grievance. I also trust it will be known to the country as the general feeling of this House, that it is the very right of the subject, if he has cause of complaint that there has been corruption on the part of a Judge, or that any Judge is unfit to fulfil the duties of his office, to place before us cause to address the Crown to remove that Judge; and if the hon. Member for Stoke had come to-night with a circumstantial statement of corrupt conduct on the part of any Judge—if he had shown grave misconduct sufficient to justify the removal of any Judge from the Bench—I believe his Motion would have received full consideration from this House. But if for one moment we depart from the principle of claiming that such a case shall be established before we proceed to investigate the conduct of Judges, let me point out to the House what would be the effect of the Motion

of the hon. Member for Stoke. I must for one moment call the attention of the House to the circumstances under which it has now to approach the consideration of this Motion. I must say—although I do not think the form of the Motion reflects heavily on the hon. Member for Stoke—it is, as a matter of Parliamentary procedure, subject for regret that it should have appeared on the Paper in such a state; so general in its terms that no one could anticipate what matters would be touched on, or against whom accusations would be made, or whether corrupt conduct would be charged, and those who have to reply, can only do so on the same scanty materials. But, taking the Motion as it is framed, I will endeavour to deal with it according to the several heads into which the hon. Member himself has divided it. The most serious part of the Motion is the imputation on the conduct of the Judges. It is a charge against them of misbehaviour in their high office; and, whilst I will not discuss with the hon. Member for Stoke the meaning of that word “misbehaviour,” let the House consider what it is that must be shown before it can grant any inquiry into the conduct of the Judges. Now, Sir, the House will remember that there was a time when the Judges were the mere servants of the Crown, removable at the will of a Ministry, and it was not for the protection of the Crown, or for the protection of the Judges themselves, but for the protection of the subject, that the Judges were allowed to hold their office by a different tenure. It was in order that a majority, at the command of a Minister, or yielding to popular clamour, should not be able to interfere with the conduct of the Judicial Bench, that the Judges were allowed to occupy their offices so long as they conducted themselves properly. Then was taken away from the Crown, or those who represented it, the power of criticizing the conduct of a Judge, unless the Judge's conduct unfitted him for his office; and when the term “misbehaviour” is used, it means not that the conduct of a Judge has been such that the House may disapprove of it, perhaps for words idly spoken, but that there has been corruption or some other conduct which equally unfits the Judge for his office. It is only upon that being shown and the charge established, that

this House has the slightest right to interfere; and unless the result of this Motion is that the House will be prepared to move in conjunction with the other House of Parliament an Address to the Crown for the removal of a Judge, it is not the duty of this House to take action. What would be the result if the contrary were to be the case? Take, for instance, times of great political excitement. Take a time when there had been a political trial. It would be in the power of the Ministry of that day to demand from this House of Commons censure on a Judge's conduct. Who would suffer then? It would not be so much the Judge as the subject who would suffer. Take, too, the case, not of a Minister, but take the case of a popular clamour demanding the punishment of a Judge. Take it that those who form part of this Assembly should be influenced by the demands of their constituents, or, what would be worse, by the clamour of the mob pressing around us, and then, yielding to such demands, by a vote we should ask for an inquiry into the conduct of a Judge who had tried a particular case in which he had defended the liberty of the subject. Who, then, would suffer? It was by the statute of 1700 that the liberty of the subject was protected by rendering the Judges above the criticism of Parliament. That statute protected the Judges from being interfered with in their official capacity. Then, Sir, the Judges were saved from one power—the *vultus instantis tyranni*—but there is the still greater power which we are contending against to-night—the *civium ardor prava jubentium*—and it is the rejection of this Motion which alone can defeat that still more evil influence. Dealing with these matters in relation to the Judges—before I refer to the other matters to which the hon. Member has called the attention of the House—I think, Sir, I have the right to ask this House what have been the charges made against the Judges who have tried this case to which reference has been made? Have they amounted to corruption? The hon. Member for Stoke says he makes no such charge. What, then, is the nature of the charge we have to investigate? Is it one of partiality, such as an advocate on one side very often thinks he sees in the Judge when he is trying a case? I will not

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consider the case quite in that way, because charges have been carefully and seriously made in this House, and the hon. Member for Peterborough (Mr. Whalley) has used language that certainly conveys charges of grave misconduct against the Judges of the Court of Queen's Bench. I have a right to ask, in the first instance, against whom are those charges made? They are made against Judges who for years have been subjected to criticism of different descriptions. They are made against Judges who are subjected, in the first place, to the severe criticism which the Bar ever affords to those that sit upon the Bench; and, whilst I have no right to speak on the part of my profession, I can say this, that I mingle much amongst my fellows, and I have not heard one syllable of condemnation of any act or word of the Judges proceeding from them in relation to any matter connected with this trial. I know that the charge has been made that the Bar is not prone to judge—[Dr. KENEALY: Hear, hear!]
—is not prone to judge the Bench as they ought to be judged. [Dr. KENEALY: Hear!] I should like to quote the opinion of one man, in which, speaking of Sir Alexander Cockburn, he says—

"This volume is most respectfully inscribed by one who shares in the profound admiration, honour, and regard which the whole Bar feels for the Judge, jurist, and the scholar."

Those are the words of the hon. Member for Stoke. He says, too, at the conclusion of a preface—

"And, having now rescued these productions from that species of oblivion to which nearly all Magazine literature is subject, and having been graciously permitted to send them forth on their adventure under the auspices of a name universally loved and honoured, I bid the final farewell to the muse to whom I have played truant."

It is true those words were written some 10 years ago, and there may have been a change of opinion since then; but, if so, it is the change of opinion of one man only. As the hon. Member then wrote, the Bar of England feels now. The honour of the Bench is the very birthright of the Bar, and those who watch every act and closely scan every act of the Bench would be the first, if they saw a cause of complaint, for their own sake to denounce it. And now the charge must be, if this *quasi*-corruption, this misconduct, be true, that the Bar are making common cause to support the

Bench in a course dishonourable and disgraceful to itself, and one which I presume it is impossible to suppose could have passed unnoticed by them. There is another mode of criticism to which the Bench is now subjected beyond that of the Bar. It is the criticism of the Press. Has that power entered, too, into a conspiracy to pass unheeded any act of impropriety on the part of the Bench? It is also subjected to the criticism of a greater power, and that is the watchful care of the jury. Certainly, then, so far as the circumstances of this case occur, the Bar, the Press, and the jury must be subjected to one common attack because they have not been censors of the Bench. Before I refer to the treatment of the jury by the hon. Member for Stoke, let me point out to the House what would be the result if, upon a matter so stated by the hon. Member, we were to grant this Commission and to summon these Judges. What would be the answer of the Judges to the demand that they were to appear before a Commission—that they were to be arraigned before a public tribunal—that they were to have witnesses called against them, and to give answers to the charges? I imagine that no Judge would subject himself to the investigation—at least, he would not consent to remain a Judge at the time he did so. I should hope that, for the independence of the Bench, the same answer would be made that Lord Holt gave to the House of Lords when they summoned him before them to answer for a judgment he had given as Chief Justice in the Court of Queen's Bench. He said—

"I acknowledge the thing. I gave my judgment according to my conscience. We are trustees of the law. We are to be protected and not arraigned, and are not to be asked to give reasons for our judgment; and therefore I desire to be excused from giving evidence."

In the same way now, if the Judges' conduct in relation to that which they may have said or done—is to be arraigned before a tribunal of this House without our having cause to ask for their dismissal, can it be conceived that Judges of independent authority will be willing to submit to such investigation? I know that it has been said in the course of this debate—"Why, if there be any ground of suspicion in the mind of so large a number of the community, why not

grant an inquiry?" What does that mean? It means that we are to find a true bill as grand jurors against the Judges. We are to present them as guilty of an offence for which they can never afterwards be tried. And so now, because a popular cry has been raised by means of the false statement that there has been some irregularity in the opinion of the advocate engaged in the cause, we are asked, without one precedent for the Motion to be found on the Journals of this House, to cast this indignity on the Bench without its being suggested that any further step should be taken against them. It is not only an attack on the Bench, but also an attack on trial by jury. Twice has this cause been investigated by juries; twice have juries arrived at the same determination and result. I will not discuss the composition of the jury. I will read to the House the view of the Member for Stoke on the capacity of the jury who tried the last cause. On the 58th day of the trial he said—

"There is hardly any of you, if I may presume to say so, who did not come into the box with his mind inclined to a certain extent, prejudiced one way or the other. But although that is my belief—and you could hardly be men if you did not come here so inclined—I am bound to say, from what I have heard of you, I believe that twelve men more able to do complete and perfect justice in this case could not be assembled in the jury box; twelve men from whom (pardon me for saying—I do not mean to flatter, because I am above so base and mean an art) twelve men who could have paid more attention to this case in a more obvious desire to do their duty fairly and honourably, it would be impossible for any plaintiff or defendant to have had. Therefore, whatever your verdict may be, I have no doubt it will meet with the approbation of your country, because everybody must know and will testify to the whole world if necessary."

May I ask the hon. Member for Stoke some day to bear this testimony?—

"That you are as good a specimen of an English jury as was ever presented, that you will do your duty between the Crown and the defendant without fear, favour, or affection."

A hundred days passed on, and on the 158th day of the trial, when the hon. Member was bringing his observations to a close, he said, addressing the jury—

"The attention that each and all of you have paid to this trial considering its enormous length, considering its multifarious variety, has been something remarkable, has been something most glorious and honourable in the annals of England. I have heard observations now and then expressly directed against the cause I re-

present. Nevertheless, I have had faith in you, and ever will have faith in you!"

Yet it was of a jury so composed and who had so treated him we now hear of their being venal and corrupt. When the hon. Member appealed to the Home Secretary whether he had not had cause to reverse the decisions of juries in criminal cases, I think it will be his experience, and that of every hon. Member of this House, that there never has been an instance where the verdicts of two juries, approved in both instances by the Judges who tried those causes, have been interfered with by a Minister of the Crown; and after the testimony borne to the jury who tried this cause by the hon. Member for Stoke, there can be no reason why an exception should be made in this case. May I now call attention to the view which the hon. Member took of the conduct of the Judges who tried the cause? On the 10th of March, 1874, some two or three days after the cause was finished, there appeared this paragraph in *The Times*—

"At the request of Dr. Kenealy, we withhold from publication the letter which, as we mentioned yesterday, he sent us on Saturday. Dr. Kenealy explains that, on reading over his letter in print, it appeared to him that it might be open to the construction of imputing partiality to the Judges who tried the case, and that nothing could be further from his intention than to make any such insinuation."

If he did not approve of that statement being made on his behalf, why did he not contradict it, and why was it sent forth to the world with his express approval, without his saying at the time that he intended to arraign the Judges on the first opportunity, either in public meeting or in the House of Commons if he obtained that position, for the very partiality to which the disclaimer was given? There are, however, one or two topics which nobody could have anticipated the hon. Member for Stoke would have brought before the House. I will not enter into the small matters of a Judge giving evidence, the propriety of a Judge visiting the locality—a common matter among Judges who desire to perform their duty—and whether a Judge used a particular word or not. Those matters, however, formed the ground for a Motion for a new trial. The hon. Member made that Motion; he brought these grounds on which a new trial could be granted before the Court of Queen's Bench, but it was refused,

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and, therefore, to the names of the three Judges who tried the case must be added the names of Mr. Justice Blackburn and Mr. Justice Quain. So, if any wrong has been done, if there is anything in the Motion which can induce the House to accept it, we shall have to sit as a Court of Appeal not only from the Judges at Bar, but from all the Judges of the Court of Queen's Bench. Are we a fit tribunal for such a purpose? Have we any constitutional right so to act? What power have we to determine the numerous points that have been mentioned, beyond the great and inherent power which a Court of Law must have? What power should we have to act on any determination we might come to? Is it possible to conceive a more useless inquiry for this House to undertake than to determine whether the decision of the Court of Queen's Bench was right. But there are one or two topics referred to by the hon. Member for Stoke which I think require some answer. In the first place, the hon. Member attacked the late Government, and the right hon. Gentleman at its head. I cannot conceive the possibility of a Court of Inquiry to determine whether or not it was the duty of that Government to institute the prosecution; but if the question is to be determined by this House, can there be a doubt of it? If the unfortunate man was guilty, he was a criminal, who had been guilty of great and gross deception. I think it unbecoming to express any opinion on the matter one way or the other; but if he were guilty, surely he was an offender deserving heavy punishment; and are we to be told, because it was a difficult case to try, that the State should shrink from bearing a share in the expense which it assumes in respect to every criminal prosecution throughout the country? When the Judge committed the man for trial, was the Government to shrink from an expense which no private family could bear in bringing a criminal to justice? Although, upon the whole, the accusation against the late Government was light in its character, yet there was one grievous charge against it, which was that they had aided, abetted, and cherished an act of my noble and learned Friend (Lord Coleridge). This imposes on me a task which no one could have anticipated—to say one word in defence

of the honour and truth of my noble and learned Friend. But the charge has been made with circumstance and in detail, and in language that is not capable of two constructions, that he uttered a forged instrument for the purpose of placing false testimony before a jury. Without any notice that this charge would be made—not even within the terms of the Motion put on the Paper—my noble and learned Friend has been arraigned and charged with an offence that seems to me exactly the same as that of a person who issues a fraudulent instrument, knowing it to be fraudulent. The incidents of this charge did not take place on the trial at Bar at all; but in the previous trial, and we ought to have been told something more than that the incidents of the trial at Bar would be brought before this House. But for an accident, my noble and learned Friend would have stood in this position—that without the slightest notice being given to him, minute details would have been entered into, and his very words read, without his having any opportunity of answering the charge. By mere accident, however, I have had an opportunity of conferring with my noble and learned Friend; and, with his sanction, I make a very simple and short statement of his conduct in relation to the dealings with those letters which have been referred to. In the course of the first trial four letters purporting to be written by the plaintiff were placed in the hands of the legal advisers of the defendant who were instructing my noble and learned Friend. They were submitted to an expert, Mr. Chabot, for an opinion as to their authenticity. He reported as to two of them that he was certain of their being the plaintiff's writing; as to the third, he had doubts whether it was the plaintiff's or not; and as to the fourth, the original had been written in pencil which was over-written in ink, and he could form no opinion as to its authenticity. That report was not seen by my noble and learned Friend, but the purport of it was communicated to him; and, finding that doubts did exist, he used the letters to this extent—not as the hon. Member for Stoke has stated by putting them before the jury as genuine, but he placed them in the hands of the plaintiff, and asked him to state if they were his letters or not. The

plaintiff stated that they were his letters; and, having admitted their handwriting, he was asked as to their contents, until, looking at one or two of them, he expressed a doubt as to their genuineness. As soon as these doubts were expressed, it was brought to the knowledge of my noble and learned Friend that there might have been some deception in the matter, and he withdrew the letters from the consideration of the jury, and they were never placed before the jury again. That is the only statement I have to make on my noble and learned Friend's authority, and I ask the House—and may I not almost appeal to the Member for Stoke himself—is it fair or right, if his object is only to obtain the release of an innocent man from custody, to make such a charge against a public man behind his back—to charge him with uttering a forgery, when he has done no more than any advocate would have done, and when he has not been guilty even of an indiscretion in the course he took? I have almost to apologize to the House for entering into this detail; but I fear that if it had not been done, it would have been supposed—if not here where my noble and learned Friend is known—"elsewhere," that there is some shadow of foundation for a charge against that distinguished Judge, which, if there were any approach to truth in it, would render him unfit to administer justice in this land. And now, with regard to the Motion, respecting which it is said there is reason to believe that the defendant is innocent. Even if it were so, the House of Commons has no power to re-try him by Commission. It is not within their power to grant a Commission to try the innocence or guilt of a man; and I say the hon. Member for Stoke can find no authority by way of precedent or principle for such a proposal. The demand that the House shall re-try the guilt or innocence of a man is a demand against the liberty of the subject; it is a request to revise the verdict of a jury; it strikes hard home against the institution of trial by jury; it is a demand that the House of Commons shall, by a majority, at any time—by a majority commanded by any means, set aside the verdict of a jury at its own will and pleasure. When the hon. Member claims that he desires to protect the liberty of

the people of this country—when *Magna Charta* is invoked, is it trial by jury that is to be invaded by the House of Commons? Are we to grant Commissions on the statement that fresh evidence can be obtained, or that the jury has misunderstood its duty in relation to the construction of evidence, and to set aside this verdict for that which might be said of any verdict—namely, that some may think there is cause to be dissatisfied with it? If we do, we shall strike a blow, the result of which can scarcely be appreciated. The power will be assumed now, for the first time, under circumstances which can scarcely commend themselves to our apprehension, and it is a demand which I trust the House will not entertain. The consideration of the smaller topics to which the hon. Member referred ought to be avoided, for if hon. Members do so, they will be forming themselves into a tribunal to review the decisions of the Bench and of juries. We are told that certain persons have made statutory declarations; but on what ground are we to consider them? Some eight years have now elapsed since the first investigation commenced, and there has been ample time and opportunity to procure every witness, and bring every question before the jury. Is it, therefore, not trifling with the House to say that upon the mere chance of some further evidence being produced we are to interfere? Why should the two subjects of the corruption of the Judges and the due administration of justice be mixed up together? If the Judges are corrupt, they ought to be removed; but take a proper and fitting course, such as will justify a joint Address, asking for their dismissal, by both Houses, and not such an unreasonable one as to ask for inquiry, first into their misbehaviour, next into the conduct of my noble and learned Friend, then into the power of the Judges in respect of Contempt of Court, and, finally, into the guilt or innocence of this man. If all these things are to be mixed up, what can be the function of such a Commission? I challenge the hon. Member for Stoke to say if there can be found any precedent for such an inquiry as this, and whether, since the year 1700, except in a case in which corruption was established, there has been any inquiry into the conduct of the Judges? The Resolution is an appeal to us to grant

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what, after all, it is not in our power to give; and I hope the House will feel that the demand is not an appeal to our justice, but that it is an appeal to us to depart from precedent, and to attack alike the position of the Bench and the strength of trial by jury. We were told a few nights ago that we stood upon a volcano, and that he who often lingered on the crater's brink bid us listen to the rumblings within. We have almost been told that if this Motion is refused to-night, before to-morrow's sun shall set there may be rebellion breaking out among a law-abiding people. I have no belief in such a dark prophecy. But should such outbreaks occur, we can gauge the limit of the evil, we may foresee the result of the disaster. But far worse than all such evil—more injurious than all such disaster—will be the result if the English House of Commons, yielding to ignorant clamour, shall vote away the independence of the English Bench and the proper and stable administration of the law.

MR. DISRAELI: The hon. Member for Stoke, Sir, will probably not be advised by Gentlemen of the long robe, and as no one has arisen except such hon. and learned Gentlemen, it may not be considered an inopportune interruption if, before the discussion closes, I make a few observations upon the Resolution. The Motion is made in consequence of an alleged miscarriage of justice; a miscarriage due to corrupt means and corrupt Judges, and there can be no more important question brought under the consideration of the House of Commons than a case of that kind if it be well founded. I have listened with much attention and interest to the hon. Gentleman, and I have acted as impartially as one can do upon matters which for a considerable time have necessarily occupied the attention of everybody in the country; and I am bound to say, having listened to the hon. Gentleman, he does not appear to me to have brought forward a case which would in any way authorize the interference of the House of Commons. I have not heard alleged any ground for that interference which has not been mentioned before, and which should have been mentioned on those authentic occasions which the law and institutions of the country provide for those who believe they are suffering under the

grievance of a miscarriage of justice—such, for instance, as a Motion for a new trial, on which every particular the hon. Gentleman has adduced to-night might have been adduced and considered by the ablest Judges of the land. Then, again, with regard to other means by which a miscarriage of justice might have been prevented—namely, by an appeal for a Writ of Error, my hon. and learned Friend the Attorney General has assured us that such an application was made to him; that he gave to the Petition the most sedulous consideration, but that he did not feel himself justified in advising Her Majesty to accede to its prayer. He has, however, this evening favoured the House with all the particulars of the Petition, and none of them were such as the hon. Gentleman the Member for Stoke has adduced on the present occasion in support of his Motion. On the contrary, all of them were, as we have heard, of a technical nature. Well, then, we find that on this occasion the House of Commons are called upon to take a step most unusual and which I think upon reflection we must feel to be pregnant with great dangers to the liberties and laws of this country. We find that the hon. Member had the opportunity of moving for a new trial, of which he availed himself, and on which occasion he might have adduced every argument which he has brought forward this evening, in order to prevail upon us to adopt a course of a most unusual and unprecedented character. We find that he had recourse to a Petition of Right, and that in that Petition not one of the circumstances he has brought forward now were included; but in which the merits of the case as then viewed by the hon. Gentleman consisted only of technical points which, as narrated to the House, must have been considered by every hon. Gentleman as of a most unimportant character. And my hon. and learned Friend the Attorney General, giving to the consideration of the matter the whole of his attention, found that he could not, with a due sense of responsibility, recommend the Crown to grant that Petition of Right. I may, remembering these two circumstances, remind the hon. Gentleman that he has never himself appealed to the Secretary of State against the conviction of Orton; yet appeals to the Secretary of State against convictions are not infrequent;

nor has the hon. Gentleman at any time ever appealed either to the Lord Chancellor of the present Government or to the Lord Chancellor of the late Government against the conduct of the Judges. The hon. Gentleman, however, now comes to the House of Commons complaining of a great miscarriage of justice. He has a day selected for hearing his case. He has an opportunity of stating it fully and completely, without any interference, if not to a friendly, yet I must say to a most courteous audience. He cannot, therefore, say that he has not been able to do justice to his case, or that he has appealed to those who have not had the candour to give him their calm attention. Yet what do we find? What is the result of all these great and solemn preparations? Why is the House of Commons arrested in the progress of its labours? Why are we threatened throughout the land with horrible catastrophes and impending revolutions? For what? To listen to a thrice-told tale, and if it has been told not without force, we must remember that it has often been repeated, and that the hon. Gentleman comes this evening with all the advantages of a practised actor who, after the provinces, comes to seal his reputation on the metropolitan stage. Perhaps I may be only about to repeat what has been stated before and in a more able manner; but I scarcely think it due to the question and to the circumstances that I should be silent. Let me, then, remind the House what are the three chief allegations which after all this preparation the hon. Gentleman has made. First of all, there is the charge against the late Government. One would suppose from the manner in which the hon. Gentleman expressed himself, and the mysterious air with which he alluded to this head of the charge, that the late Government had been concocting some plot worthy of Titus Oates; and that they had formed some deep and dark design which the hon. Gentleman indeed has not explained to us, but which the hon. Member for Peterborough has occasionally by dark inuendoes shadowed forth. What is the charge really brought against the late Government? Why, that they performed a duty which every Administration under the circumstances must have fulfilled—and they would have been liable to the gravest imputations if they had remained silent and passive. And

yet this is the head and chief charge which has been made this evening—the most important in its character, the most material in its substance—the charge—namely, against the late Government of the country of combining in a dark conspiracy, in order to bring about a state of affairs which would have outraged the laws and Constitution of the country. Well, there has not been the slightest evidence adduced by the hon. Gentleman on the subject. He has only proved that the late Administration did that which would have been the duty of the present Administration had they been in their place, and which would be equally the duty of any Administration responsible for the due administration of justice in this country. The second great head of the hon. Gentleman's charge appears to me to be really the most trivial that can possibly be conceived. It is with reference to that strange expression, my just criticism upon which he has acknowledged this evening—namely, “the incidents of the trial which subsequently occurred thereto;” that is, as explained, the offer of evidence which would of course establish or strengthen the case of the client of the hon. Gentleman, but which he had not at his command on the occasion of the trial. My hon. and learned Friend the Attorney General destroyed in a moment that flimsy allegation. It appears—and of course it would happen under any circumstance when a trial of this importance has long engaged public attention—that after the trial there were offers of evidence in favour of the defendant. Well, there are always offers of evidence after a trial. The “day after the fair” is a proverb, and after a trial there is always evidence which ought to have been brought forward. After a division in this House, the minority would always have won only some were snowed up in the country. The minority, however, have not the power next day of counting the Members who did not arrive, and if evidence is to be heard after the verdict of a jury—often, probably, collected a considerable time after the verdict is given—legal controversies never would terminate. But what are the facts of the present case? A Commission was sent out during the trial to obtain evidence from Australia. They were there some considerable time. They made extensive investigations, and

I believe that some of the members of the Commission returned with very different opinions of the merits of the case from those with which they left this country, but on which side they changed their opinions it is quite unnecessary now to dwell. Well, as I understand, and as I understood at the time, there were certain statutory declarations made by certain individuals in Australia. They were not witnesses whose evidence was considered of sufficient importance and weight to bring over to Europe; but the statutory declarations arrived. Probably some of them may have arrived even after the trial, and this is the ground which the hon. Gentleman dwells upon as so important for the vindication of his client, and this is the evidence to obtain which in an authentic manner the House of Commons is called upon to interfere after the verdict of two juries in this great case. Well, now, Sir, there is but one point really important in this matter, and that is the third point, because it is one which if it were proved—if it rested on any real ground of substantial evidence, it would be of a very grave character. And no doubt the statements and misrepresentations—whether they were intended to be misrepresentations I will not now say—which have been made on this head out-of-doors have affected—and to no inconsiderable degree—the public mind, and that is the allegation that the Judges have been partial and corrupt in their conduct—because their misbehaviour would amount to corruption—and that by their arbitrary and corrupt behaviour a false verdict has been given in this issue. Well, I would now call upon the House to observe that against two of these three Judges not the shadow of an allegation is made. The name of one has not even been mentioned, and the name of another was only added on to that of the Lord Chief Justice in a supplementary whisper. It is against the Lord Chief Justice of England then that this charge is made. It is against his corrupt misbehaviour that the country has been agitated. What is the evidence that has been brought forward to-night by the hon. Member for Stoke, in order to substantiate a charge which never ought to be ventured upon unless it can be vindicated by testimony of the most irresistible nature? Why, Sir, we know something about Lord Chief Jus-

tice Cockburn. He is a man of transcendent abilities. He was for a considerable time a Member of this House. He did not belong to the political connection of which I am proud to be a Member; but I was proud always of being a Member of the House in which Lord Chief Justice Cockburn sat. His eloquence is remembered in this House, and when he left us to ascend to the highest tribunal almost within the Realm, he sustained the reputation which he had attained here and in the Courts of his country with learning and majesty. But it is not only as an eminent Judge that he has distinguished himself. He has shown himself a jurist and a publicist of the highest character—a man who can be trusted with the most important national interests; and who at a critical period vindicated those interests and sustained the honour of his country. But we must look to the idiosyncrasy of individuals when we have to decide upon questions like the present. The Lord Chief Justice, although he is a man of great learning, although he is a man equal to the exercise of the highest functions, and has employed a great portion of his life in the gravest and most responsible pursuits, yet he is a genial and social being also. He is not one of those individuals who enter saloons with Rhadamanthine gravity; he seeks, and properly seeks, some distraction from the cares and labours of a most exhausting profession and position; and is it to be endured that misrepresentations of the casual conversation in society of such a man are to be brought forward on no authority whatever, and to be made the foundation of the gravest charges in one of the greatest Assemblies in the world? We know very well—there is nothing on my mind more to be deprecated than the introduction of this private gossip of private life here. I have often—the House will pardon me for saying it—heard what I never heard when I first entered this House, of observations and opinions that have been expressed by hon. Gentlemen on either side in the Lobby repeated in debate. That I look upon as a most loose and unmannerly proceeding. One of the most brilliant Members of this House, the eloquent and amiable Mr. Shiel, was subjected to a most horrible persecution, because when the great debate was going on

upon the Coercion Bill of Lord Grey, in which Mr. Shiel took a leading part, of course in opposition to it, while he was dining at his Club—the Athenæum, I believe—and solacing himself for the moment with a cutlet and a glass of claret, a dull man of the House of Commons came to his table and insisted upon gravely talking upon the Coercion Bill, which for the moment the brilliant Shiel had hoped he had forgotten. Wishing to get rid of this dull intruder who was unfortunately a Member of the House, he made one of those playful observations such as the Lord Chief Justice is said to have used. Upon which, this Gentleman came down to the House, and on the earliest opportunity impugned Shiel for insincerity, and made what is called a personal statement, which, I believe, cost the House of Commons two or three nights before it was settled—agitated England, and confirmed them for a long time in the belief that Mr. Shiel was the most insincere of politicians, because he had endeavoured to extricate himself from the toils of a bore. And so to-night, because the Lord Chief Justice goes to a party and meets—I regret that the name of the lady has been unfortunately introduced—one whom everybody acquainted with her knows to be a most charming lady—I hope she will not be too much mortified by her introduction into this ruder society—but because she being interested in the question pressed the Lord Chief Justice for an opinion, which, evidently, by the first account, he desired to avoid, and tried to parry with some of that gay fun which is permitted under the circumstances, all England is to be agitated. We are advancing upon a volcano, revolution is to happen to-morrow, and if a certain Resolution is not carried this evening, on the chance of which I will venture to give no opinion, to-morrow is to be marked with the darkest fate, and probably even this House of Commons may never again assemble. This, Sir, is one of the most preposterous things—I am not talking of the trial, I am not alluding to that singular history which posterity will not easily forget, and which it will philosophically criticize, but I am speaking of this interlude, or rather this second piece, this *divertissement*, as being the most preposterous, the most absurd, the most flimsy business that ever occupied the

attention of the House of Commons. I only regret that a Gentleman like the hon. Member for Stoke, who is a man of talent and is, as I know, a scholar, should have by some hallucination wilder than has ever influenced a public man, destroyed a position and reputation which he himself created, which no one wished to injure or envy; and who, if he had only exercised a discretion equal to his ability and learning, would probably have found in due time his place in this House, and have secured many opportunities of vindicating those Constitutional principles to which he seems so devoted, and all the blessings which accrue from them, which he is ready by his own account to imperil, and, perhaps, to cause the destruction of to-night, by carrying this infernal machine, which he has described in the Motion before us. Sir, I will venture, before the House divides, to express my belief that the state of England and of the House of Commons, is not so terrible as the hon. Gentleman has intimated. Unfortunately, my excellent Colleague the Secretary of State for War is prevented by indisposition from attending here; but I do not think his indisposition is such that he would have concealed it from me if there were that danger of general mutiny in the Army which has been referred to by the hon. Member. My right hon. Friend, too, the Secretary of State for the Home Department has not broken to me the news which the more candid Member for Stoke has communicated to the House; I hope I may get home in safety to-night. But, Sir, what I do regret is this—that the people of England whom I have described before, and whom I shall describe again as the most enthusiastic people in the world—there are people more excitable, but none more enthusiastic—should have their fine and noble sympathies wasted on such a case; should be influenced by such misrepresentations, and be directed to such mischievous ends. Let the House for a moment consider what would be the consequence of the adoption of this Resolution, throwing aside all those melodramatic foreshadowings as to the probable consequences of its rejection. What must be the practical result if the House were to adopt this Resolution and were to act upon it? The House of Commons would become a great Court of Appeal, and we should at last have

secured that object which has baffled the ingenuity of the most distinguished Law Reformers "elsewhere." There is not a case that could be tried in this country, the issue of which would not have to be decided here; not a question of master and servant that would not certainly be brought before this Assembly. It might become a great Court of Appeal, but it would soon, under such circumstances, cease to be a House of Commons. I trust that the House will show to-night in a manner that cannot be mistaken—will show the country that it has treated this question in the spirit which it deserves, and that we have availed ourselves of this opportunity which has been given to the hon. Gentleman in a manner becoming this House, and I hope, re-assuring to the country. The hon. Gentleman has had his occasion, he has been before the assembled House of Commons in no slight numbers, he has stated his case with ability and art, he has had every opportunity of marshalling his facts and managing his inferences, he has put forward his strongest points, and what have they amounted to? They have amounted to this—to bring conviction to the minds of everyone who has heard him that all this agitation, all this tumult that has disturbed the country for months had no solid foundation; that there has been no miscarriage of justice, and that England and Englishmen may still be proud of their institutions and confident in the administration of the law.

MR. BRIGHT: Sir, since the hon. Member for Stoke has taken his place in this House, I have felt it my duty more than once, in some sort, almost to interpose on his behalf. I have done so, as I trust the House has seen, from no other object than to show that every man who comes within these doors shall receive the most perfectly fair and generous treatment among us. I am unwilling, however, that this debate should close without stating some reasons why I cannot agree with the hon. Member in the proposition which he has submitted to the House, and why my name will be found among what, I trust, will be a very great majority against that proposition. I must confess I was rather disappointed by the speech of the hon. Member. I fancied, nay, I almost believed, that we should have had some very serious charges made against the

Judges. There certainly have been charges against the Judges brought forward in the speech of the hon. Member; but I am happy to feel that they have been of no important character, and cannot affect the judgment of this House in arriving at a determination with regard to the characters of the Judges impugned. But as the hon. Member proceeded with his speech, it was clear that what he wished to do was to bring into review and to obtain a reversal of the verdict in the late trial, and a reversal altogether of the sentence and punishment, because he declared his firm belief—and, in fact, if he had not had that belief it is difficult to know how he has taken the course he has taken—in the innocence of his client and not only in that innocence, but in the gross injustice of the trial. I want to put this question a little as it has appeared to my own mind, with the view that, by some good chance, I may affect the opinions of some persons outside this House. It seems to me a most monstrous thing to say that this case has not been fairly tried. Why, there has been no trial in this country so long—indeed, since the days of the trial of Warren Hastings, it is a trial of a length perfectly without example, but to that I will come by-and-by. Four Judges, one of them the Chief Justice of the Court of Common Pleas, another the Lord Chief Justice of England, and two other Judges of a reputation equal to that of any Judge upon the Bench, have had the case under their consideration, and their judgment has been perfectly unanimous. It has been under the consideration of two juries chosen in the most fair manner; indeed, no one has suggested that the juries were packed, and it is impossible to look at the names, or, rather, at the occupations of the jurymen, without seeing that it is quite impossible, in our mixed society, to summon jurymen of a more representative and a more impartial character than were upon these juries. I noticed that on the last jury there was one country gentleman—I give no names, and, in fact, I have not got the names with me—and one city merchant; another was a draper; another was a publican—and I am not sure that there not two who followed that occupation; one bootmaker, whose knowledge of his trade was of great use at one part of this case; another, I think, was a man in the

position of keeping a respectable lodging-house; another was a hair-dresser and perfumer; and another was connected with a business which has been very much before this House lately—that of selling milk. Now, I might safely leave it to the hon. Member for Peterborough himself to say that there was not the slightest suspicion that any of these gentlemen were in any way influenced by the Jesuits, and I might appeal to the hon. Member for Stoke to say that upon the face of this list, there is no reason to suspect that they were influenced in favour of the rights or claims of aristocratic and territorial families. In fact, I think that these 12 men formed a jury such as the English Constitution intended and expects shall be called upon to decide great questions of personal rights and liberties. On the occasion of the first trial the jury stopped the case, after hearing a prodigious amount of evidence in favour of the then Claimant, and they stopped it on evidence of a very important character, which the Claimant's counsel was unable to meet. I am not much versed in legal matters, but I understand that if the Claimant's counsel had chosen to go on, the trial might have concluded in the ordinary manner; but Mr. Serjeant Ballantine, who was the principal counsel for the Claimant, elected to be non-suited, and in that way the trial was concluded. On looking back to that trial, we do not find that anybody ever heard that Mr. Ballantine abused the Judge who presided over it, and I have not heard that he has condemned the jury, but he allowed the matter to pass. He had been unfortunate and unsuccessful, as the most powerful advocates may be, and, as one hopes that they will always be when their case is not perfectly good. Now I come to the second trial. It has been charged against the person responsible, who I suppose is my right hon. Friend the late Chancellor of the Exchequer, that no liberality was shown by the Government in the matter of the payment of the witnesses for the defence. But the Court was in favour of the payment of the witnesses for the defence. The three Judges whom the hon. Member has denounced as being partial, and as having made up their minds that the trial would end in a conviction and in a sentence of I do not know how many years' penal ser-

vitute, were in favour of the payment of the witnesses for the defence. It was not to be expected, however, that the Government was to bring witnesses from all parts of the earth, of whose probable evidence no man had the slightest knowledge, and to pay all their expenses. But in the cases in which the Court refused to pay the expenses of any witness, the matter was argued in open Court; and I undertake to say that no impartial person who reads the account of this trial would say that the decision of the Court, not to pay certain of those expenses, was otherwise than perfectly just. The hon. Member for Peterborough has just now told us that those who were conducting the defence had no money, and that, therefore, they could call no witnesses; but he told us the other night that he himself had contributed £200 towards the defence. But I should like to know, if they did not call all these witnesses who, it is stated, were prepared to give evidence for the defence on account of the expense, why they did not call the two sisters, I will not say of the defendant, but of Arthur Orton—who, I understand, stated both before and after the trial, and, for anything I know to the contrary, may say now, that the defendant was not their brother—if he was not really their brother. The reason why they were not called was not because the defence had no money, neither was it on account of the distance they had to be brought; they lived in the East End of London, I suppose, and therefore it was not in consequence of want of funds that they were not called. Had they been called they might have made another link in that extraordinary chain of evidence by which a verdict was given and a conviction was obtained. I am not about to deny to the hon. Member for Stoke that there is a large amount of opinion outside this House in favour of the view he takes of this trial—that the defendant was convicted without due consideration. But it is not very difficult to create an impression of that kind. The hon. Member for Peterborough said, upon a late occasion, that the jury were wearied out, and that they had sat so long and heard so much that at last they gave a verdict so as to get away. That is a view I cannot accept, but still, when this trial has proceeded for so long a time, I am not at all surprised to find that many

Mr. Bright

persons should be unable to follow the train of evidence. Consequently, if such statements are made persistently, I am not surprised at many persons outside the House being influenced by them. If the hon. Member for Stoke and one or two of his friends in addressing public meetings say over and over again to their audiences—"Do you believe that it is possible for a mother not to know her own son?"—that is a question likely to have a great effect on some people. But we in this House know perfectly well that it is a fair presumption in most cases that a mother will know her own son, yet it is possible to produce an amount and accumulation of evidence that will absolutely destroy that presumption. Many persons appear unmindful of the fact that in a claim of this nature it is not what a man remembers, but what he forgets that is most likely to be of importance in determining his identity. Nothing is more easy than for a man to remember a good many things about another man which somebody else has told him. It is quite possible for two or three persons to tell me certain things about any hon. Member of this House which may enable me for a time to pass myself as being that other Member; but in the case of a conspiracy of the kind alleged to have occurred in this case, no circumstance could make a man forget that which he forgot in the sense of forgetfulness shown by the defendant. That which he forgets if it be important, and if the facts be numerous, is that which he never knew. The effect of that forgetfulness is a hundred times more strong to condemn him than the effect of a few curious small matters which he may, by possibility, seem to remember, but which may have been communicated to him by somebody else. The House will pardon me if I go into or two points of detail with regard to this matter. The hon. Member for Stoke has done so more largely, and therefore I think I have some right to do it, and perhaps my doing so will be of use to some of the people who will read the proceedings of this evening. Nothing was more clearly proved than that the defendant knew almost nothing of his life till he was 16 years of age. He did not remember the names of his tutors—excepting one. He did not remember that he had ever had more than one tutor. I venture to say there is no man

in this House who could not tell a good many things about his tutors, some of them not of a very agreeable character perhaps. Look at our own experience. We have all had a long life from the time we were 16 years of age; but every one of us could write a volume of the incidents of our young life, from the age of 5 or 6 up to 16. But in this case there was no memory. It was a blank. There were no persons who could give the information. The memory could not be cultivated. The whole thing was a forgetfulness which could not have come from conspiracy, but must have come from the fact that the person was assuming to be something which he was not. When it is asked, as it is in these meetings in the country—"Do you think that a mother can forget her own son?" I answer—"Do you think that a young man, who lives almost entirely with his mother till he is 24, when he gets to 35 or 40 can be totally ignorant of his mother's name?" But more than that, do you think that a young man who, up to 24, has spoken ordinarily and perfectly the French language, and can scarcely speak English so as to be fairly well understood, can at the age of 35 or 40 not only be unable to speak the French language, but can be ignorant of the pronunciation or meaning of a single word in it? He knows so little of it that he is advised not to attempt even to speak it. Now, I should like to ask any one, whatever may be the opinion he now has of the case, whether these facts—the absolute ignorance of all that happened till the age of 16, the total forgetfulness of the mother's name, and the entire disuse and total forgetfulness of the language spoken till the age of 24, and, in addition to this, I may say, the multitude of contradictions in which the statements he made were involved, for it is notorious that everything which he said while in Australia about his enlistment or engagement in the Army was directly and flatly contradicted in every particular by that which he said about his military life when he came to England—I should like to ask any man whether these facts are not conclusive against the claim which was set up? The hon. Member blames the Judges. Four Judges agreed, and he condemns them all. He does not seem to me very much to condemn the juries. Perhaps, like the hon. Member for Peter-

borough, he thinks they were wearied out, and would rather despise them than condemn them. I believe that juries not unfrequently make mistakes; but I believe also that in the main they honestly intend to do their duty according to the evidence given before them; and I think no person could read the transactions of that trial—I speak particularly now of the last trial—without being struck by the remarkable intelligence displayed by the jury whenever there was a call for any expression of their opinion. I was very often surprised to see how minutely they appeared to have in their memory all that had passed before, and how clear was their comprehension of the whole question as it was being offered to their view. And here let me tell the hon. Member for Peterborough that he must, I think, admit that the jurymen were not members of great families—that they were not allied to the aristocracy, that they were not even allied to the Jesuits. They were men as intelligent as he is with regard to their duty as jurymen, and I have no doubt he will admit, for I am sure he wishes to be fair, that they were honestly disposed to do their duty. Now, what should the House do? This jury was in the box—I forget how many days the trial lasted—every day and every hour. Some person wrote to me, or wrote of me, that I would not express a certain opinion if I had read any portion of the evidence. Well, I confess that I read all the evidence, so far as I could find it in the newspapers, and I read all the long speeches and all the summing-up of the Chief Justice. Therefore, I ought to be moderately well acquainted with the case. But I do not pretend to put my opinion against the opinion of that jury. Those 12 men are my countrymen, they are those to whom the law and the Constitution gave the power of adjudication in this case. They are as honestly-minded as I can be, and they sat in that Court every hour and every minute the trial occupied, and listened with intense attention to all the statements made by all the witnesses. Well, shall I set up my judgment against their unanimous judgment, or how shall the hon. Member for Peterborough or any one who takes his view set up his judgment against the judgment of that jury?

Mr. Bright

MR. WHALLEY: I rise to Order. ["Order, order!"] The right hon. Gentleman has misrepresented what I said. ["Order, order!"]

MR. SPEAKER: The right hon. Gentleman is in possession of the House.

MR. WHALLEY: There were forged letters—that is all I said. ["Order, order!"]

MR. BRIGHT: I do not mean to say that he at all supposed or wished the House to suppose that the jury was not perfectly honest. All that he said against the jury was, that the trial was long and they were weary, and, in point of fact, they became almost incompetent to take a fair view of the question.

MR. WHALLEY: I said they had forged letters before them.

MR. BRIGHT: Now, I ask the House—I ask the hon. Member for Stoke—I ask the hon. Member for Peterborough—whether, with these facts before us—and I think that in no criminal trial could there be less reason to quarrel with the facts than in the present case—I ask whether it is right, whether it is tolerable, that great multitudes of people should be taught that the defendant had not a fair trial? If you go among the people and teach them that there was some dark design in this—some dark and mysterious conspiracy—I say you do a great harm to them, you mislead them, you wound them in their dearest interests. You turn them against the institutions which exist only for their guardianship and their good. I confess I am not squeamish about criticisms on the conduct of Judges or juries. I do not think that either Judges or juries are immaculate; but I say that, considering the facts I have stated—and they are but a very small portion of the facts which might be stated in support of the view I am urging upon the attention of the House—it is a great public injury, it is a great wrong, that Gentlemen of education, and occupying the position of Members of this House should seek to convince persons who could not by any possibility have had so good an opportunity of judging of the matter as the Judges and jury whose conduct is condemned—I say it is a great evil to teach such persons what I believe to be utterly untrue, that the Judges were partial and corrupt, and that the jury were mistaken in the view which they

took. Sir, I can take no such view. I can take no part in such conduct. I would uphold the institutions of this country in the main as they exist with regard to the administration of justice; I think the poorest in the land has at least as great an interest in that being done as the richest in the land; and it is because I think this, that I cannot for a moment think of giving my vote in favour of the proposition of the hon. Member for Stoke.

DR. KENEALY, in replying, said, that he had, indeed, listened to much eloquence, but that when there was a very sympathetic audience, high flights of oratory became comparatively easy. He had paid great attention to what had passed, but not greater attention than the case and the speakers called for; but he was sorry to have to add that, although there had been fine specimens of oratory, it had been oratory merely. None of the facts which he had brought before the House—most important facts, in his humble judgment—had been grappled with from the beginning to the end. The hon. and learned Gentleman the Attorney General had, no doubt, made an exceedingly clever speech on the matters which had been brought to the notice of the House, and he (Dr. Kenealy) had listened with great attention to the speech, but had been unable to discover in it any answer to his argument. It might be distasteful to the feelings of hon. Gentlemen to have a lady's name brought into a discussion of that kind, and more especially so, when it was apparently done for the purposes of prejudice; but he begged the House to remember that if a lady's name had been so brought in, it was not done by him. Her own husband it was who dragged her into notice. In connection with that incident, he could not understand the conduct of Lord Rivers, nor did he think the outside world would be able to comprehend it. But let those things pass. The hon. and learned Gentleman the late Attorney General had defined the offences for which a Judge could be removed from the Bench to be corrupt conduct and gross misbehaviour. He quarrelled with both those definitions; they were not in accordance with the law, and the hon. Gentleman ought to have known better. The law did not lay down that a Judge must be either guilty of corrupt conduct or gross misbehaviour before he

could be removed from the Bench. The framers of the statutes on the subject simply adopted the word "misbehaviour"—a very elastic word, having great width of meaning. If a Judge went on the Bench in a state of open intoxication, that would be a kind of "misbehaviour" that would compel the House to interfere. In the same way, it was one of the charges against Chief Justice Scroggs that he was in the habit of cursing and swearing on the Bench—a practice which would be quite enough to justify the removal of any Judge in our time. Anything that was calculated to bring the judgment-seat into contempt was such conduct as ought to cause a Judge to be removed. Could anything be more calculated to bring the judgment-seat into contempt than the statement which had been made on the authority of the right hon. Baronet the Member for Tamworth, and which had not been denied, and as he believed could not be denied? Could there be a grosser scandal in the administration of justice than that a Judge on the 13th day of the trial, when not more than six or seven witnesses had been examined, should have stated publicly and openly that the defendant was certain to be convicted, and that even then the Judges had agreed on his punishment? If that fact stood alone, he was entitled to the passing of his Resolution. Were the House judging of the matter in a dispassionate manner, without that sympathy for the Lord Chief Justice which the speech of the First Lord of the Treasury had excited, bringing before them reminiscences of his genial temper, his love of fun, and all those qualities that made him so popular in fashionable society, he believed the House would have looked on conduct such as he had described as compelling them to cause an inquiry to be instituted. The right hon. Gentleman at the head of the Government told them that nothing whatever had been adduced against two of the Judges; but what stronger thing could be adduced against them than the statement made by the right hon. Baronet the Member for Tamworth? In that agreement upon the sentence to be pronounced, made before the man had been tried at all, they were all equally compromised; all equally guilty. At the end of that remarkable summing up, which lasted so many days, the other Judges

said they agreed in every syllable spoken by the Lord Chief Justice. He was told that there was no precedent for a Motion of this kind. He answered there was no precedent for conduct of that kind; and if there was no precedent, the House ought to make one. No harm could be done by inquiry. The right hon. Gentleman used an argument of an *ad captandum* kind, when he said this was an attempt to destroy trial by jury. On the contrary, he (Dr. Kenealy) was trying to uphold that institution. No one who read the summing-up could doubt that the jury in the verdict they gave were coerced. ["Oh, oh!"] The jury were not free agents; they were coerced. ["Oh, oh!"] They were misled by the language of the Chief Justice, who led them just as a fisherman might lead a fish with a hook in his mouth. He denied he had ever charged corruption on the jury; but while admitting they had exhibited an independent judgment during the trial, he declared they surrendered it in the end. He had heard with great astonishment the statement that the Judges would dare to refuse to obey a Resolution of that House, and he looked upon this as one of the greatest insults ever offered to that Assembly. They could not accept the authority of the right hon. Gentleman the Prime Minister on matters of law, and, indeed, nothing could be more wild or wandering than the suggestion that he should have brought forward these complaints in a motion for a new trial. Such an idea struck one as more suited to Arabian tales of magic than to that Assembly. Equally wandering and wild was the notion of a Writ of Error embodying those complaints. He was sure the right hon. Gentleman did not get that idea from the hon. and learned Gentleman the Attorney General. Another wonderful argument used by the right hon. Gentleman with great power was, that no appeal had been made to the Secretary of State. Why, as far as he (Dr. Kenealy) was able to ascertain, the Secretary of State had hardly anything else to do except answering letters relating to the Case. Another astonishing argument put forward by the right hon. Gentleman was, that no appeal had been made to the Lord Chancellor against the Judges. They might as well appeal to a bootcleaner in the street as to the Lord Chancellor, who had no power whatever

to regulate the conduct of Her Majesty's Judges. Then stress was laid on the circumstance that he did not call the two sisters of Arthur Orton. Why, what a ridiculous position he should have occupied if he had called those sisters! Mr. Hawkins or the Lord Chief Justice would have said in the blandest and most fascinating way—"Gentlemen of the Jury, these are two sisters of Arthur Orton. Of course, you cannot expect them to tell the truth; because, if they do so, they will convict their brother. You must, therefore, make every allowance for them." He was perpetually challenged by the Bench to put those women into the box, but he determined not to do so, and he did not regret that decision. The right hon. Gentleman the Member for Birmingham (Mr. Bright) laid down another very extraordinary proposition—namely, that there were certain cases in which certain facts could destroy the recognition even of a mother. He (Dr. Kenealy), at all events, never heard of such cases, nor was he able to imagine them. He did not deny that this was one of the most mysterious cases ever known. Indeed, he could not pretend to solve a thousand mysteries in it, nor to enter into the extraordinary mazes of that man's mind; but, as the right hon. Gentleman mentioned a fact which weighed very powerfully on his mind, he would mention another fact which weighed very powerfully on his own mind. He was present one day at the first trial when a long letter written by the undoubted Roger Tichborne was put into the hands of the Claimant. There was one word in that letter which had puzzled the experts and everybody to whom it had been shown, but as soon as the Claimant saw it; he said—"I wrote that letter, and the word is *Correio*," as, in fact, it proved to be. In conclusion, he wished to say he had no cause whatever to complain that he had not been listened to on that occasion with candour, patience, courtesy, and attention. If he had failed to convince any hon. Member that his Resolution ought to be carried, of course that was his misfortune and his fault, but if he could get any support he should divide the House.

Question put.

The House divided:—Aye 1; Noes 433: Majority 432.

Dr. Kenealy

AYE.
O'Gorman, P.

TELLERS.
Kenealy, Dr.
Whalley, G. H.

EDUCATION (SCOTLAND) [PARLIAMENTARY GRANT].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to amend the sixty-seventh section of "The Education (Scotland) Act, 1872," by authorising Grants to be made by Parliament in aid of Schools and Teachers Residences in the counties of Sutherland and Caithness, in the same manner as Grants may be made under the said section to Schools in the counties of Inverness, Argyll, Ross, Orkney, and Shetland.

Resolution to be reported upon Thursday next.

PETTY SESSIONS COURTS (IRELAND) BILL.

On Motion of Mr. O'SULLIVAN, Bill for the better administration of Justice at Petty Sessions Courts in Ireland, *ordered to be brought in* by Mr. O'SULLIVAN, Captain NOLAN, Mr. FRENCH, and Mr. RONAYNE.

Bill presented, and read the first time. [Bill 138.]

TOWNS RATING (IRELAND) BILL.

On Motion of Mr. BUTT, Bill to make better provision for the Rating of Occupiers in cities, towns, and boroughs in Ireland, *ordered to be brought in* by Mr. BUTT, Sir JOSEPH M'KENNA, Mr. BRYAN, and Mr. RONAYNE.

Bill presented, and read the first time. [Bill 139.]

MUNICIPAL FRANCHISE (IRELAND) (NO. 2) BILL.

On Motion of Mr. BUTT, Bill to assimilate the Law regulating the Municipal Franchise in Ireland to that regulating it in England, *ordered to be brought in* by Mr. BUTT, Sir JOSEPH M'KENNA, and Mr. BRYAN.

Bill presented, and read the first time. [Bill 140.]

House adjourned at a quarter before Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, 26th April, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Common Law Procedure Act, 1852, Extension * (68); Teinds (Scotland) * (67); Tramways Orders Confirmation * (69); Gas and Water Orders Confirmation * (70).

Second Reading—Musical Entertainments (49), discharged; Railway Trains Regulation (50); Public Entertainments (Hour of Opening) (51).

Report—Agricultural Holdings (England) * (63).

THE QUEEN v. CASTRO—THE TRIAL AT BAR—DR. KENEALY'S MOTION.

THE DEBATE IN THE COMMONS. PERSONAL EXPLANATION.

LORD COLERIDGE: My Lords, I have most unwillingly to ask your Lordships' attention for two or three minutes to a matter personal to myself; and, being a personal matter, I have had great hesitation in determining whether or not I should trouble your Lordships with it at all. But I believe that a matter which concerns the honour and character of any Member of your Lordships' House, however insignificant, ought to be, and I have no doubt is, a matter of interest to the House at large. Other noble Lords, on other occasions, have felt it their duty at once and publicly in your Lordships' House to repel attacks made upon them, and when, perhaps, the consequences of remaining silent under them would be far less mischievous than they might be in my case. My Lords, last Friday night, in another place, the Member for Stoke-upon-Trent, in the course of some observations which he was making in moving for a Royal Commission, to consist of Members of both Houses of Parliament—

"To inquire into the matters complained of with respect to the Government Prosecution of The Queen v. Castro, and to the conduct of the Trial at Bar and incidents connected therewith, and certain incidents of the said trial which have occurred subsequent thereto,"

took occasion to make a long and elaborate attack on conduct of mine. My Lords, the substance of that attack was this: That when I was Attorney General, and when I had the conduct of the case of young Sir Henry Tichborne, in the civil action which was tried in the Court of Common Pleas, when his estates were sought to be recovered from him by the person who is now undergoing penal servitude in Dartmoor Prison for perjury committed by him on that trial, I put forward documents—false and forged documents—which when I put them forward I knew to be false and forged; that I asked the jury to act upon documents which I knew, when I so asked them to act, were false and forged documents; and that I had under my own hand written a confession that I did know them to be false and forged when I so dealt with them. That, my

Lords, was the charge which was made in another place on Friday night. Nothing had been previously said or done by the Member for Stoke-upon-Trent which had suggested that any attack was about to be made upon me, and I need hardly say that I had no personal notice of it whatever. Indeed, I was addressing your Lordships on the subject of the Judicature Bill when the charge was made. It was made at great length and with considerable detail. It is true that I had heard from time to time that attacks of a like nature, and upon the same subject, had been made in a paper called *The Englishman*, purporting in its first page to be edited by Dr. Kenealy, one of Her Majesty's Counsel. But, my Lords, I do not see or read *The Englishman*. I have never seen above three or four numbers of *The Englishman*. I have treated, and shall continue to treat, anonymous slander with the silence of disdain. But, my Lords, it is another matter when an attack is made by a Member of Parliament, no matter who he be, and when it is addressed to the audience to which that Member made it. Now, my Lords, my hon. and learned friend Sir Henry James did all that was possible to do under the circumstances. He let me know the circumstances of the attack; he got from me as well as he could a statement of the facts; he made a powerful and eloquent use of those facts; and I am able to say with profound thankfulness, that I understand he stated them to the absolute satisfaction of the Assembly which was at the time his audience. But, my Lords, I state—and state with perfect truth—that if the slander had been true I should have been perfectly unfit for the station which I have the honour to hold, and that my right hon. Friend Mr. Gladstone would have been extremely to blame in advising Her Majesty to appoint me to any such station. Now, my Lords, the facts of the case are simply these—A certain Mrs. Pittendreigh was the wife of a copying clerk in the office of Messrs. Dobinson and Geare, who were the attorneys for young Sir Henry Tichborne in the civil action, and who were my clients. Mrs. Pittendreigh got into communication with the person who was then called “the Claimant,” and the Claimant's wife—how I do not know, nor is it in the least material to inquire.

Lord Coleridge

She brought to Messrs. Dobinson and Geare what purported to be a correspondence between herself and the Claimant, consisting of four apparently genuine letters from the Claimant himself, and a number of copies of letters which she said she had addressed to him, the originals of those letters of course being in the Claimant's possession. They represented a simple, natural, and harmonious whole, and they showed most unmistakably a knowledge of and an interest on the part of the Claimant in the fortunes and persons of the Orton family. Certainly the letters of the Claimant were most important evidence, if genuine. These letters—the Claimant's part of them—were submitted by Mr. Dobinson to the examination of Mr. Chabot, and Mr. Chabot, I believe, reported on them in writing. That report I never saw; but Mr. Dobinson told me what he understood to be its purport. Mr. Dobinson was a man of great honour and great intelligence, and I have no doubt that what he told me he told me truly. The substance of it was this—that as to two of those letters, Mr. Chabot was satisfied they were in the handwriting of the Claimant; that as to a third he had considerable doubt; and that as to a fourth it had been written over pencil marks, the pencil marks remaining in many places, and who had written the pencil writing it was impossible for him or for any one else to say. At that time there was no suspicion of Mrs. Pittendreigh's part of the correspondence. Her copies of her letters and the supposed originals of the Claimant's presented a harmonious and intelligible whole. There was a great similarity between the handwriting of the letters which Mr. Chabot believed to be written by the Claimant and those as to which he had doubts; and in the Claimant we had to do with a person who had before admitted that on other occasions he had written letters in a feigned name and in a feigned hand. Under these circumstances, my Lords, I formed the opinion that it was at least likely that the whole of this correspondence might be genuine. We had the tendered oath of Mrs. Pittendreigh, against whom there was at that time, though she had done an unhandsome thing, no serious suspicion. I had the resemblance of handwriting; I had a consistent, harmonious, and intelligent correspondence,

and against that there was nothing but the doubt of an expert—that expert being Mr. Chabot—as to the handwriting of two of the letters. Now, my Lords, such being the case, I thought then and I think still that it was my duty to test the truth of the whole of that correspondence by doing what I did; and I think I should have ill discharged my duty by my young client if I had done less. What I did was this—I put the letters one after the other—one by one—into the Claimant's hands, and I asked him, one by one, if he had written each of those letters; and at first he admitted that he had written the whole of them. I then cross-examined him as to the contents of the letters; and after some time he recalled his first admissions, and while admitting that he had written two of them, denied that he had written the other two; and he also said, as well as I remember, as to one of the two which he admitted to be written by him, that it had been altered and an important word inserted in it. That is the impression made upon my mind, and was the impression upon my mind then, of the result of a number of inconsistent and contradictory answers. I then cross-examined him and pressed him with the contents of Mrs. Pittendreigh's part of the correspondence, putting to him that his letters appeared to be answers to those letters of hers, with copies of which she had furnished us, as being her side of the correspondence. He denied that he had ever received the originals of which these purported to be copies; and on my asking him whether he had received letters other than the originals of these letters, and whether he could produce them, he said he had, and would produce them. Later in the same day, or next day, he did produce letters from Mrs. Pittendreigh, and then it appeared that the copies Mrs. Pittendreigh had furnished to Mr. Dobinson as copies of her original letters were no sort of copies at all, and that her original letters did not fit in, as her professed copies did, with the supposed letters of the Claimant, to which they purported to be answers, and to form part of the same correspondence. It was plain that Mrs. Pittendreigh had deceived us—that she was a person upon whom no reliance could be placed; and when I came to address the jury on the case I withdrew

every one of the letters I had put in, about which there could be the slightest suspicion, because they had come to us from a tainted source. I thought then, as I think now, that very likely the whole correspondence was genuine, but it was not worth while to enter into the question, because the only person I could have called to prove the letters was a person upon whose evidence nobody could be expected to act. Now, my Lords, all of that was stated to the jury by me. My speech was taken down in shorthand, and was published, and it was before the Member for Stoke-upon-Trent on Friday night when he made that statement in the House of Commons. My Lords, I can only say that if this thing were to be done over again, I should do it over again. I think no man in my position would have discharged his duty to his client if he had not done as I did upon that occasion. The letters never were put to the jury; they were never insisted upon by me to the jury; and they were withdrawn as soon as I myself was satisfied that they were evidence upon which the jury could not be expected to act. My Lords, I was leading counsel in that case, and I hold it to be unmanly to attempt to share my responsibility with any of my colleagues. The responsibility was mine, and I accept it. But, my Lords, I had colleagues. I had colleagues who knew what I did then, and who know it now. Those colleagues were Mr. Hawkins, Sir George Honyman, Mr. Chapman Barber, and Mr. Charles Bowen. They were my friends then—they are my friends now—some of them my intimate and affectionate friends. My Lords, one other word and I have done. When subsequently, during the criminal trial in the Court of Queen's Bench, Dr. Kenealy attacked Mr. Dobinson in no measured language for his conduct in respect to those letters, I wrote to Mr. Hawkins a letter, which has been published in the public prints, taking upon myself the whole responsibility of what I had done. Mr. Dobinson was dead; Mr. Dobinson had been my friend; he was a man of high honour and absolute integrity, and I did not wish, if I could help it, that he being dead should be blamed for a matter as to which—if there was any blame in connection with it—I thought myself at least as blamable as he was. And, my

Lords, I am thankful that Mr. Dobinson's family, and those who value Mr. Dobinson's honour, do not blame me in any degree for the course which I thought it my duty to take on that occasion. Now, this, my Lords, is the whole of my connection with these so-called forged letters. This is the answer that I make to the slander of Friday night. I forbear from comment; I will not stoop to retort. I leave it to your Lordships and to my profession—among whom I have practised long and largely, and, I hope, with unstained honour—to say whether I have done anything which ought to cause my friends to blush for me, or my foes, if I have them, to rejoice. My Lords, I thank you very much for being kind enough to listen to what I had to say. I am perfectly aware—no man knows it better—that so far as claim of ancient descent or lofty rank is concerned, I, one of the people and sprung from them, have no claim to stand among your Lordships as an English nobleman; but I do claim, in point of honour and integrity, to be the perfect equal of the proudest Peer in your Lordships' House. My Lords, I have made these observations because I felt that when thus attacked it was my duty to meet the charge once and for all, and to satisfy your Lordships—as I hope I have—that at least on this score your Lordships have no reason to be ashamed of the last man whom the profession of the Law has sent by the grace of the Queen into this great Assembly.

THE LORD CHANCELLOR: My Lords, I am not surprised that my noble and learned Friend has desired to make to your Lordships the statement he has now done; but not because the charge made against him could have for one moment been entertained by anyone whom he has addressed in this House. My Lords, all who know the personal character of my noble and learned Friend, and those who know his public and his professional character, could not have hesitated—would have been perfectly certain—that the charge made against him was not only without foundation, but that it had not a tatter or a shred of foundation. My Lords, I go further—I venture to say that any person who dispassionately considered what that charge was could not have failed to arrive at the conclusion that the charge

on the face of it was ridiculous and absurd. But, my Lords, the charge was made, and made in a place where charges of that kind are not accustomed to be made without reflection; and the charge having been made against one who occupies one of the highest judicial positions in the country, I am not surprised that my noble and learned Friend should take the opportunity of referring to it, and of giving to it the most indignant denial in your Lordships' House. My Lords, I wish I could think that this charge, having now been made—not privately, not anonymously, not in the columns of a newspaper—but publicly and in the face of day, and having now been contradicted with publicity equal to that which accompanied it when it was made, and that not only it but the other charges by which it has been accompanied have been met and have been repudiated, and have been shown in public discussion to be incapable of being sustained—I wish I could think that we had now heard the last of them. But I can only say that if charges of this kind continue to be repeated they can only recoil upon the heads of those who make them.

CHURCH OF ENGLAND—
CHURCH BUILDING AND RESTORATION
—THE RETURNS.—QUESTION.

LORD HAMPTON asked the Lord Steward, Whether the Return ordered by this House last Session of the number of churches built or restored at a cost exceeding £500 since 1840 is likely soon to be presented; and asked, further, whether there is in the Home Office or other Government offices any system by which reasonable assistance may be afforded to those persons whose duty it may be to furnish such Returns as are from time to time ordered by either House of Parliament; if not, whether it is not desirable that arrangements should be made for affording such facilities?

EARL BEAUCHAMP, in reply, said, it must be borne in mind that the Returns to which the noble Lord referred were voluntary Returns, and that therefore the Government could not exercise much pressure in obtaining them. When moving for them the noble Lord had not asked that the Government should make any special arrangements for procuring them. The course taken

was this—the Home Office had communicated with the Archbishops, and he believed that in such cases the usual course was for the two most rev. Prelates to communicate with their Suffragans. The Bishops communicated with the Archdeacons, these with the Rural Deans, and the latter with the clergy. Returns had been received from 13 dioceses in the Province of Canterbury, and he believed that progress was being made in the Province of York. As to the latter part of his noble Friend's Question, as he did not understand the meaning his noble Friend attached to the word "facilities" he was unable to give an answer.

THE ARCHBISHOP OF YORK said, that in the case of many churches consecrated by him, those by whom they were built had frequently desired that the full extent of their munificence should not be known, and it might turn out that the information desired by his noble Friend could not be furnished. He and his clergy would endeavour to make the Returns as complete as possible; but it was a matter for consideration whether, looking at the value of the Returns and the great expense incurred, the House should not make such an Order as should guide the clergy in making better Returns, if the present Order was not precise enough.

RAILWAY TRAINS REGULATION BILL.

(*The Lord Redesdale.*)

(NO. 50.) SECOND READING.

Order of the Day for the Second Reading, read.

LORD REDESDALE, in moving that the Bill be now read the second time said, that he had introduced it in consequence of the action of the Midland Company in doing away with second-class carriages; but Parliament having given the Railway Companies a monopoly of the passenger traffic, he considered it to be also the duty of Parliament to see that the conditions on which that monopoly was given were fully and fairly carried out. The Midland Railway Company had recently, as he had said, come to the determination to abolish second-class carriages. If they were justified in doing that, they would be equally justified in abolishing first-class carriages also, or third-class, and saying they would run one class only. There

was no actual law compelling a railway company to have three classes of carriages; but clearly it was the intention of Parliament that there should be three classes on all lines—otherwise why should there be a maximum of three several scales of fares in railway Bills? If it was not intended that there should be three classes of carriages one maximum for one scale would be sufficient. It might be said that the maximum of three several fares was in the Bills when promoters came to Parliament. That was true, but Parliament accepted that arrangement as one of the conditions on which it gave those Bills its sanction; and that arrangement was in strict accordance with the expectation and habits of the people, and had been in use many years to the great public convenience. He believed that first-class passengers had more to complain of than either of the two other classes in respect to the change on the Midland. The third-class had no complaint at all; and the second-class had perhaps not much; but he believed that first-class passengers were not as well satisfied with the existing arrangement for their comfort as they had been with those which had prevailed before the change. It might be argued that Parliament ought not to interfere in details of this kind, and that if they would let things alone they would right themselves. But he thought that when Bills came before their Lordships, and were passed on the distinct pledge that there should be three classes of accommodation, and maximum fares, it was not right to leave the performance of these conditions to the operation of chance. As to Parliamentary interference, there was no novelty in it. Parliament had already interfered to insist on what were called "Parliamentary trains," and quite recently "Workmen's trains" were insisted on as a condition in many Railway Bills. Why, even in the old coaching days, Parliament had interfered to regulate the number of passengers that might be carried inside and out. As to the loss of accommodation to first-class passengers, it might be said that Pullman's cars might be attached to every train. But everyone did not like Pullman's cars; and as to those who did, there was nothing in this Bill that would prevent them from using them. And as to the argument that "the matter will right itself"—if it

righted itself by the Midland Company going back to the old plan of three classes, then the Bill would do neither that Company or any other any harm whatever. If it righted itself by the other Companies following the example the Midland had set in abolishing second-class carriages, legislation such as that which he now proposed, would come rather late. He did not see what possible objection could be raised to the Bill in point of principle; but he felt that if aggressions of this kind were not met promptly they would be carried to an extent which would make Parliament interference far more difficult when it no longer be avoided. Therefore he thought it the duty of Parliament to interpose in time and to secure that the travelling public should have in future what they had before the change made by the Midland Company—first, second, and third-class carriages on every line. The object of the Bill was simply to provide that there should be three classes of passenger carriages; but power was granted to the Railway Commissioners to grant licences for the omission of classes in cases where for five years there had been no class of the particular description in use.

Moved, "That the Bill be now read 2^a."
—(*The Lord Redesdale.*)

LORD HOUGHTON said, he could not agree with his noble Friend the Chairman of Committees in the inference that when three classes of maximum fares had been settled by Parliament it was intended that the regulations in the particular form to which he referred should be lasting. In fact several railways had been in operation for more than five years in which there never had been any second-class carriages at all, yet no complaint had been made by the public. He would ask their Lordships not to be influenced by any feelings of comfort or discomfort which they might have experienced, but to reject the Bill on totally different grounds. This Bill would interfere unnecessarily with the free action of Railway Companies, and in a manner entirely contrary to the spirit of legislation during the last 20 years. It was obvious that the division of trains and all other matters affecting their arrangement must depend very much upon local and particular circumstances, and if a measure of this description were

passed it would be easy to evade its provisions by certain regulations—such as giving particular names to certain trains or portions of trains—the result of which would be that the Bill would work only very partially. The noble Lord did not allege that the action of the railway companies had been averse to the public good; and there was now instituted a Railway Commission which was empowered to determine any complaint in which it was alleged that a company was adopting a course detrimental to public utility. He submitted that by passing such a Bill as this, Parliament would be interfering unnecessarily with the liberty of management by the railway companies which had been productive of so much public advantage. He begged to move that the Bill be read a second time that day six months.

Amendment moved to leave out ("now") and add at the end of the Motion ("this day six months.")—(*The Lord Houghton.*)

THE EARL OF DUNMORE said, the objections he took to the Bill of his noble Friend the Chairman of Committees were many, as regarded both the principle of the Bill and as regarded its details. First of all, Parliament had not yet thought it expedient—when by the private Act of a Railway Company the maximum and minimum charges which it was authorized to make had been fixed, and when a railway had once been opened for public traffic, after due inspection by a Government officer—to interfere in any way with the amount to be charged or with the facilities which were to be given by the Railway Company in exchange. This Bill of his noble Friend was a Bill of compulsion, for the noble Lord, by the provisions of his Bill, proposed to compel every Railway Company in the United Kingdom to attach carriages marked "First Class," "Second Class," and "Third Class" to every train, unless they got the sanction of the Railway Commissioners to run trains omitting some one class of carriages. The first question which appeared to him to arise was this—what were first, second, and third class, and how were they to be defined? This measure—which was practically directed against the Midland Railway Company—as none of the other Companies had adopted the same scheme—proposed that there should be carriages

Lord Redesdale

of three distinct classes; but the noble Lord did not tell them in his Bill how those carriages were to be fitted up to carry out the distinction. Practically, therefore, any Railway Company would fulfil the requirements under the Bill by simply painting "First Class," "Second Class," and "Third Class" on the carriages, and by making the maximum charges authorized by Parliament. It would doubtless be in the recollection of many of their Lordships that a Bill was introduced by Mr. Plimsoll in the other House of Parliament some years ago, the provisions of which were to supply foot-warmers in the carriages for the benefit of the third-class passengers. Mr. Plimsoll was at once met by an objection to the principle of his Bill—philanthropic though it might have been—for the same reason which applied in his (the Earl of Dunmore's) estimation in very much greater force to the Bill of the noble Lord—namely, that the Railway Companies had obtained their Acts of Parliament subject to certain conditions which had been well weighed and well considered both with regard to public as well as to private interests. The bargain had been concluded, Parliament had already sealed its conditions, and the shareholders had already invested their capital under those conditions, and it would not be right to impose additional responsibilities upon them. Well, that Bill of Mr. Plimsoll's was defeated in the other House of Parliament by a large majority; and since that time no measure had been brought before either House of Parliament interfering in any way with the details of the working of Railway Companies until this measure of the noble Lord which was before their Lordships' House that night. The objections raised in the other House of Parliament to such a small measure as that of Mr. Plimsoll's naturally applied with much greater force to the Bill then before their Lordships. The real question at issue was this—At what point should Parliamentary interference with the details of the working of railways commence? Should Parliament think it desirable to alter the course hitherto adopted and to impose conditions upon Railway Companies, would it not be well that the contest between the public and the Railway Companies should not be taken on a question so insignificant as that of convenience to

a few, but rather upon the far more important and significant question of the safety of all who travel on the many lines of railway which intersect the United Kingdom? The Bill of the noble Lord was directed avowedly to secure the convenience of the comparatively few persons who were in the habit of travelling first-class. But it must not be forgotten that a very few years ago the greater number of trains which ran consisted only of first and second class carriages, and he thought the Railway Companies might say, and with some fairness—"As long as we ran trains which provided for the convenience of the minority, Parliament was not asked to interfere in any way; but now that the arrangements we have made are supposed in some way to be unsuitable to the comfort of that small class of railway travellers who wish to pay high rates, Parliament is at once requested to depart from the practice it has always adopted since the commencement of the railway system, and to interfere directly with the detailed management of Railway Companies." The noble Lord asserted that if a stand were not made now, Railway Companies would gradually provide less and less accommodation for the convenience of the travelling public. But he (the Earl of Dunmore) did not think that the experience of the last few years would bear out that argument. He thought noble Lords would agree with him when he said that every succeeding year gave the travelling public a better and more comfortable railway carriage. There was another reason—and he thought a good one—why Railway Companies should not be compelled by Parliamentary legislation to make up a train in any particular manner. In addition to the increased expenditure which must necessarily be occasioned to the rolling-stock and permanent way of Companies by trains of unnecessary length and weight being constantly used, he thought there was a more important point yet to be considered—namely, whether by having fewer classes of carriages and fewer carriages of each class in each train, we were not enabled to have short trains, which are much more easily handled, by which greater punctuality was secured, and which, therefore, would tend very much to the increased safety of that large portion of the British public who travel by rail. He hoped their Lord-

ships would oppose the second reading of this Bill and vote for the Amendment of the noble Lord opposite.

LORD BELPER said, the question was whether a case for interference had been made out by his noble Friend who had introduced the Bill. He was at a loss to understand what was the particular grievance of which his noble Friend complained. It could be no grievance to first-class passengers to have their fares greatly reduced whilst they continued to enjoy the same accommodation as before. Nor was it a grievance to second-class passengers to have the advantage of very superior accommodation without any increase of charge. Did the noble Lord propose to compel the Company, in the one case, to charge higher fares than they were willing to take, or, in the other, to refuse accommodation which they were willing to give? There could be no doubt that, under the new system, the number of carriages in each train, and consequently the weight of the trains, would be diminished, which would contribute both to punctuality and to safety. He thought the changes which had recently been made were for the benefit of the public, and certainly he considered that no case had been made out for interference.

LORD CARLINGFORD said, he was glad that the Government had not only refused to support the second reading of the Bill, but had refused to support it on the ground taken up by the noble Earl opposite (the Earl of Dunmore)—namely, that they should lay down no principle which should debar them from interfering on sufficient grounds with the proceedings of Railway Companies. He quite agreed that there was no sufficient case for interference in the present instance. The noble Lord the Chairman of Committees talked as if Railway Companies from the beginning of railways had been constantly running first, second, and third-class carriages; but that was far from being the case. Until very lately, third-class carriages were not run except with a limited number of trains. That was a grievance which did not concern their Lordships very much, but it concerned other classes of the public. But did Parliament step in and say to the Railway Companies they must run third-class carriages with all their trains? On the contrary, Parliament interfered in the most tender and cautious manner. It

required the Railway Companies to make some provision for third-class passengers—but, certainly, the provision was very limited; and when Parliament went a step further, they did not proceed by way of compulsion, but by offering advantages by way of bribe—it promised that on the fulfilment of certain conditions in connection with the running of third-class carriages with a greater number of trains, a portion of the tax on railways would be abated. As to the Midland Company, he did not believe the second-class had been abolished; it was really the first-class that had been discontinued. What the Midland Company had done reminded him of an American newspaper, which put forth an advertisement that on a certain morning they would issue a second edition, but there would be no first edition. But Parliament had always been cautious in interfering with the detailed arrangements of railways. When it was proposed that Railway Companies should be compelled to provide foot-warmers for the comfort of all classes of passengers, it was replied that it would be more for the comfort of all classes of passengers if they were provided with travelling rugs and brandy-and-water. The Midland Company had announced the abolition of the second class, but they really abolished the third-class. He hoped the power of Parliament to be exercised on sufficient grounds would not, as it were, be frittered away by their Lordships sanctioning this Bill.

EARL DE LA WARR said, he did not think there was a demand, of sufficient strength, from the travelling public to warrant their Lordships in passing this Bill, and, therefore, he should vote against it.

LORD REDESDALE, in reply, said, they ought to insist upon the Railway Companies supplying the different classes of carriages according to the provisions of the Act of Parliament. He certainly thought there was a case made out for the interference of Parliament, and he should, therefore, divide the House.

On Question, that ("now") stand part of the Motion? their Lordships divided:—Contents 24; Not-Contents 56: Majority 32.

Resolved in the Negative; and Bill to be read 2^d this day six months.

The Earl of Dunmore

MUSICAL ENTERTAINMENTS BILL.

(The Duke of St. Albans.)

(NO. 49.) SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF ST. ALBANS said, that those of their Lordships who were in the habit of attending Exeter Hall and St. James's Hall might be somewhat surprised to hear that they had been frequenting places which came under the operation of an Act to deal with disorderly houses. Such was, however, the case; and in 1866 the Middlesex Magistrates issued notices that the Licensing Act of George II. would be strictly construed. Under its third section, no place kept for public dancing, music, or public entertainment of the like kind in the Cities of London and Westminster could be open for such purpose before five o'clock in the afternoon, and an action had been actually brought against the proprietor of St. James's Hall on this account by a common informer early in the present year. He believed the Lord Chamberlain was advised that his licence could only avail to cover this within the City of Westminster, while two eminent counsel—Sir Henry James and Mr. Poland—doubted his power even to this limited extent. Therefore he asked Her Majesty's Government before Easter whether they would include in their promised course of legislation this year the Amendment of the Act 25 Geo. II. c. 36. He was told they would do nothing of the kind. In consequence the present Bill was prepared, and he had the honour to introduce it; but while it was on the Paper for the second reading he was agreeably surprised to see that the noble Earl who represented the Home Office (Earl Beauchamp) had brought in a measure to deal with the matter. His (the Duke of St. Albans') Bill would give to the magistrates who now had the power of granting music licences, the further power of saying at what hour any licensed place might open. The Bill of the noble Earl, on the contrary, laid down a hard-and-fast line with regard to the hour of opening—namely, that it should not be before the hour of noon. It was desirable that there should be immediate legislation on the subject, and, acknowledging the advantages of the Government in this respect,

he would not now enter into the merits of his own Bill or of its rival. The noble Earl, he believed, was prepared in Committee to introduce a condonation clause to cover those places which in the uncertain state of the law might have erred, and to make it clear that the words "shall not open before noon" did not mean that while St. James's Hall escaped from the Scylla of being unable to give a concert before 5 p.m., Willis's Rooms were landed in the Charybdis that a ball must close at midnight. If the Government would give this assurance he should not persevere with his Bill, but would postpone the second reading till he was assured of the success of the Government measure.

Order for the Second Reading *discharged*.

PUBLIC ENTERTAINMENTS (HOUR OF OPENING) BILL—(No. 51.)

(The Earl Beauchamp.)

SECOND READING.

Order of the Day for the Second Reading, read.

EARL BEAUCHAMP, in moving that the Bill be now read the second time, said, that its purpose was in some degree similar to that which had just been postponed by the noble Duke (the Duke of St. Albans). The discussion in their Lordships' House early this Session brought out the anomalous position in which music-halls were placed under the existing law in not being able to open before 5 o'clock in the afternoon. In buildings like Exeter Hall or St. James's Hall the performance of Handel's oratorios before that hour would not merely be illegal, but would subject the proprietor to forfeit his licence. Whatever might have been the state of society when the Act of George II. was passed, there could be no objection at the present day to music in the afternoon, and therefore the present Bill proposed to alter the limit of time from 5 o'clock p.m. to noon. But in this case as in others where you dealt with one part of an existing system, you affected some other part; and therefore if the Bill was read a second time he would in Committee propose the insertion of a clause with regard to the hour of closing—he thought that question might very well be left to the discretion of the

licensing magistrates. He would also propose a clause by which the Bill should take effect from Michaelmas, 1874. The result of that would be that in cases where the provisions of the Act of George II. had been transgressed no forfeiture would be entailed in that respect. The Bill would relieve music-halls in Westminster from the necessity of taking out a licence from the Lord Chamberlain.

Moved, "That the Bill be now read 2^a."
—(*The Earl Beauchamp*.)

THE EARL OF ROSEBURY said, he had listened with great attention to the noble Earl who introduced the measure, and was much disappointed to find that the scope of the Bill was so limited. He had hoped that the noble Earl would introduce some comprehensive measure which would put an end to the present anomalous condition of the law; but what was his disappointment to find a measure introduced of the most infinitesimal proportions, dealing only with the very smallest portion of the subject, and affecting only a small part of the metropolis. The noble Earl had told them that if once they touched a stone in a crazy old edifice, they found themselves obliged to meddle with other parts, and he had far better do so than try to patch up the present system. What he wanted to see was the introduction of a general measure, dealing with the whole subject of the licensing of theatres and places of public amusement.

THE MARQUESS OF HERTFORD said, the anomalies connected with this subject arose from the licensing jurisdiction being in the hands of so many Benches of magistrates besides the Lord Chamberlain. There was at present no special machinery for regulating such places; but if the subject were taken up in the large and comprehensive manner desired by the noble Earl, they would have to appoint a Minister of Public Entertainments, with a large staff, and at a great expense.

After a few words from The Earl of MORLEY,

Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

Earl Beauchamp

RAILWAY COMPANIES (ROLLING STOCK).

MOTION FOR RETURNS.

Moved that there be laid before this House, Return of the Rolling Stock of the Railway Companies in the United Kingdom; showing the number of vehicles that run with passenger trains or otherwise which have the tyres fastened on to the rims of the wheels by bolts, set screws, or rivets, or by any other species of tyre fastening, specifying the same. [Then a tabular form of Return is set out.]—(*The Earl De La Warr*.)

LORD COLVILLE said, if the noble Earl had been as assiduous in his attendance at the meetings of the Railway Commission as the Duke of Buckingham its Chairman had been, he might have known that the very information for which he now asked had been in many instances obtained by the Commission. The Return would be valueless unless it was extended to the waggons belonging to the colliery owners and other traders of this country.

THE EARL OF DUNMORE was willing, on behalf of the Board of Trade, to undertake, on condition of the noble Earl withdrawing his Motion, to move for a Return more full than that which was asked for in the Motion before the House, but not so full as was desired by the noble Lord who had just addressed the House.

EARL DE LA WARR said, that after what had fallen from the noble Earl he should not persist in the Motion he had brought forward.

Motion (by leave of the House) *withdrawn*.

BOSTON ELECTION.

JOINT ADDRESS.

Moved to agree with the Commons in the Address to Her Majesty, and to fill up the blank with ("Lords Spiritual and Temporal, and"); *agreed to* (The Lord Chancellor); and a message sent to the House of Commons to acquaint them that the Lords have agreed to the said Address, and have filled up the blank: The Lord Chamberlain and the Lord Steward to attend Her Majesty with the Address on the part of this House: The Lord Chamberlain to wait upon Her Majesty humbly to know what time Her Majesty will please to appoint to be attended with the said Address.

COMMON LAW PROCEDURE ACT, 1852, EXTENSION BILL [H.L.]

A Bill to extend to foreign corporations the operation of the Common Law Procedure Act, 1852—Was *presented* by The Lord COLERIDGE; read 1^a. (No. 68.)

TEINDS (SCOTLAND) BILL [H.L.]

A Bill for the conversion into money of Teinds in Scotland, and of claims exigible therefrom or connected therewith—Was presented by The Earl of Minto; read 1^a. (No. 67.)

TRAMWAYS ORDERS CONFIRMATION BILL [H.L.] (NO. 69.) A Bill for confirming certain Provisional Orders made by the Board of Trade under the "Tramways Act, 1870," relating to the Bristol and Eastern District Tramways and the Manchester Corporation Tramways: And also

GAS AND WATER ORDERS CONFIRMATION BILL [H.L.] (NO. 70.) A Bill for confirming certain Provisional Orders made by the Board of Trade under the Gas and Waterworks Facilities Act, 1870, relating to Blackburn Gas, Brighton and Hove Gas, Littlehampton Gas, North Bierley Gas, Weymouth Consumers Gas, Wolverhampton Gas, Bognor Water, Newington Water, Newport (Isle of Wight) Water, Bridgend (Glamorganshire) Gas and Water: Were presented by The Lord DUNMORE; read 1^a, and referred to the Examiners.

House adjourned at a quarter past Seven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 26th April, 1875.

MINUTES.]—RESOLUTION IN COMMITTEE—National Debt Acts*.

PUBLIC BILLS—*Second Reading*—Sea Fisheries* [128].

Committee—Peace Preservation (Ireland) [77]—R.P.

Committee—*Report*—Bishops Resignation Act (1869) Perpetuation* [124]; Seal Fishery (Greenland)* [117].

Committee—*Report*—Considered as amended—Explosive Substances* [115].

Third Reading— (£15,000,000) Consolidated Fund*; International Copyright* [56], and passed.

COURTS OF LAW (SCOTLAND)—JUDGES OF THE SUPREME COURTS—SALARIES.—QUESTION.

MR. LYON PLAYFAIR asked the Lord Advocate, Whether the Government intend to bring in a Bill, indicated in his answer to a question on the 16th of July last, to give effect to many of the recommendations of the Royal Commission on the Courts of Law in Scotland, including an increase in the salaries of the Judges of the Supreme Courts?

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THE LORD ADVOCATE: Sir, I do not think my right hon. Friend quite accurately describes the Answer which I gave to him on the 16th of July last. On referring to the usual source of information, I see I stated that—

"It is intended to give effect to many of the recommendations of the Royal Commission next Session, and the matter of the increase in the salaries of the Judges of the Supreme Courts will be submitted for consideration."—[3 *Hansard*, cccxi. 121.]

I did not then indicate, as I had no authority to do so, that the Government would during this Session bring in a Bill providing for an increase in the salaries of the Judges of the Supreme Courts in Scotland. At the same time, it is proper I should say that I have submitted for the consideration of the Government many of the recommendations of the Royal Commission, including those relating to the increase of the salaries of the Judges of the Supreme Courts; but I have not yet received authority to propose to Parliament any legislation, except upon the matters dealt with in the two Bills relating to the Sheriff and other inferior Courts in Scotland which were read a first time on Friday last.

THE NEW LAW COURTS.—QUESTION.

MR. GOLDSMID asked the First Commissioner of Works, What is the reason for the slow progress made with the building of the new Law Courts, and whether he cannot take any measures for expediting the work?

LORD HENRY LENNOX: Sir, I am sorry the progress has not been what I hoped and expected; but the delay has arisen in a great measure from the very severe weather which prevailed during the four winter months. The east block is up to the first floor. Considering the magnitude of the work, great indulgence is due to the contractors at the commencement of it. I am informed that since the fine weather has set in, the contractors are pushing on with greater vigour.

ELEMENTARY EDUCATION ACT, 1872—PUBLIC TEACHERS ON SCHOOL BOARDS.

QUESTION.

MR. STEVENSON asked the Vice President of the Council, If he can state how many Teachers of Elementary

Schools are at present Members of School Boards; and, if it is intended under the new Clause in the Education Code to withhold the annual Grant earned by a School if the Teacher continues to occupy his seat on a School Board, to which he has been duly elected?

VISCOUNT SANDON: Sir, in reply to the first part of the Question, we have no information as to the number of teachers of public elementary schools who are members of school boards. We do not believe that there are many such cases in England, and in Scotland, as the hon. Member is probably aware, teachers are forbidden by the Act of 1872 to be members of school boards. I am glad, with respect to the second part of the Question to have the opportunity of stating that it was never our intention to require a teacher already a member of a school board to resign his seat before the end of the term for which the board was elected; but I must add that if, after the present Code has come into force, a teacher is elected upon and joins a school board, such an act would rank with any other infringement of the conditions of the Code, and would disqualify the school to which the teacher belonged from receiving a Government grant. The rule was laid down with no want of appreciation of the characters of the teachers, but solely to avoid the great inconvenience which would arise from teachers combining the two offices at the same time.

THE ROYAL COURT, JERSEY.

QUESTION.

SIR HENRY DRUMMOND WOLFF asked Sir HENRY SELWIN-IBBETSON, in the absence of the Secretary of State for the Home Department, Whether it is true that when a soldier stationed at Jersey is charged with any offence before the Royal Court of that Island, the proceedings are conducted in French, and the soldier is not allowed the assistance of an interpreter?

SIR HENRY SELWIN-IBBETSON, in reply, said, he had received a telegram from the Governor of Jersey, to the effect that the language of the Royal Court of Jersey, in civil and criminal cases, was, and always had been, in French. A soldier, on being brought before that Court, was treated in the

same way as any other person. If he had not chosen an advocate, the Court assigned him one, and the duty of that advocate was to watch the proceedings and conduct the defence, and to give to the party all the assistance that he could. There was no sworn interpreter to the Royal Court, and as the person who was brought there would have an advocate, it was not usual to employ an interpreter. There was, however, no objection to one being employed, if application was made to the Court.

INDIA—MASSACRE OF MR. MARGARY AT MANWINE.—QUESTION.

MR. HANBURY asked the Under Secretary of State for Foreign Affairs, If it is true, as stated in a telegram in "The Daily News" of 22nd April, that "the Chinese Government have appointed a person of inferior position as Commissioner to investigate" the circumstances connected with the murder of Mr. Margary; and, when the Despatches of Her Majesty's Minister at Peking, in reference to this subject, are expected, and whether he will take an early opportunity of laying them upon the Table of the House?

MR. BOURKE, in reply, said, as regarded the first part of the Question of the hon. Member, the Government had not received any information from Mr. Wade with respect to the statement in the telegram referred to. That gentleman's despatches were not expected to arrive in this country for some days to come; but they should be at once placed on the Table of the House, should the noble Lord the Secretary for Foreign Affairs be of opinion that that could be done without injury to the public interest.

ARMY—FORTIFICATIONS AND LOCALIZATION OF FORCES.—QUESTION.

SIR WILLIAM HARCOURT asked Mr. Chancellor of the Exchequer, If he would state to the House what is the estimate for expenditure on account of Fortifications and Localisation of the Military Forces in the current year?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have not yet received any precise estimate of the estimated expenditure for this year; but, so far as the information at my command goes, I

apprehend that the sum which it will be necessary for the Treasury to borrow for this purpose this year will be somewhere between £750,000 and £1,000,000, but I cannot name the precise sum.

THE ARCTIC EXPEDITION—THE CHAPLAINS.—QUESTION.

SIR WILFRID LAWSON asked the First Lord of the Admiralty, Whether the crews of the two ships about to sail on the Arctic Expedition are not likely to be composed largely of Presbyterians; and, if so, whether it would not be expedient, instead of appointing two Episcopalian Chaplains, to appoint one Episcopalian and one Presbyterian?

MR. HUNT: Sir, I have no reason to suppose the crews will be composed largely of Presbyterians; I have not the slightest idea how the crews will be composed as regards religious opinions; but I have already appointed two Episcopalian Chaplains to the Expedition.

PARLIAMENT—THE CHAIRMAN OF WAYS AND MEANS.—QUESTION.

MR. TREVELYAN (for Mr. DILLWYN) asked Mr. Chancellor of the Exchequer, Whether, in view of the discrepancies now existing between the duties, as compared with the salaries, of the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons, he will this Session take any steps to rectify the anomalous position of the latter officer?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the subject had been under the consideration of the Commission of which the Speaker was Chairman, who were charged with the duty of looking into questions connected with the administration of both Houses, and a general conclusion had to be arrived at that the discrepancies were such as ought not to be continued. It was, therefore, the intention of the Government to make a proposal to raise the salary of the Chairman of Ways and Means to the same amount as that of the Chairman of Committees in the House of Lords.

THE QUEEN v. CASTRO—THE TRIAL AT BAR.

PERSONAL EXPLANATION.

SIR ROBERT PEEL: Sir, I wish to ask the kind indulgence of the House for a few minutes, while I refer to a statement made on Friday evening in the course of the speech of the hon. Member for Stoke. That statement directly affects me; but more than that, if there were any foundation in fact for it, which I can show there is not, it can only be intended to prejudice in the mind of the public the character and position of a high and honourable Judge. So long as that statement continued to be made in the pages of a print called *The Englishman*—so long as it was repeated in a number of Petitions, which as I understand from the Clerk at the Table were received, but not laid upon it—I was content to let it pass unheeded upon the advice of my solicitors, and treat it with the contempt and disgust that every man must feel at the continuance of libels which have been heaped without end upon men of far higher position than I can claim to be. But when I find that the statement of *The Englishman* newspaper has been transferred to the floor of the House of Commons by a Member of this honourable House, I have no alternative but to appeal to the House of Commons with every confidence and trust in this matter. I was unable accidentally, from circumstances over which I had no control, to be in the House of Commons on Friday evening, else I should then have taken the opportunity of repudiating the statement to which I now refer. It is true I received a letter from the hon. Member for Stoke. It was dated on Thursday evening; but I did not receive it until Saturday morning, and I was quite surprised to find that he was going to introduce my name in any way into the debate on Friday evening. At least I may say this, that as the hon. Member for Stoke intended to introduce my name, it would have been more courteous on his part if he had given me two or three days' notice, that I might have made arrangements to be present. Now, what is the charge, or rather I might say what is the statement, of the hon. Member for Stoke? I will read the words. He had been alluding to the Lord Chief Justice of England, and said they had been discussing whether it would be well

to have the Lord Chief Justice to try the case. He said he had an interview with the Claimant, and that it was decided they should not oppose the Lord Chief Justice trying the case. Then, the hon. Member for Stoke said, the 13th of April came, and he said he had an interview with the Claimant, who read to him an extract from his diary. I do not know whether the hon. Member for Peterborough is in his place at the present moment, but this is the extract—

“Mr. Whalley has just been to me and has told me that Sir Robert Peel told him yesterday that I was to be convicted, and that the Judges had already made up their minds to give me 15 years’ penal servitude. Mr. Hendricks was present.”

It does not so much concern me, but from my intimacy with, and from the very high respect I have for, the Lord Chief Justice, I consider it my duty to bring this matter before this honourable House. Well, there is not the slightest shadow of foundation for the hon. Member for Peterborough making such a statement as this. It is on the face of it literally impossible that the Lord Chief Justice should have told me during the hearing of a case before a jury, that he and the two other Judges had made up their minds to give the Claimant 15 years’ penal servitude. It was stated by the hon. Member for Peterborough, to get a stronger hold upon me, that Mr. Hendricks was present. Now I have a letter from Mr. Hendricks this morning, who says it is absolutely false that in his presence I made any such statement as that which Mr. Whalley is said to allege, and which it was falsely stated, was made in Mr. Hendricks’ presence. I wish now to say a word with regard to the hon. Member for Stoke. I do not know why the hon. Member for Stoke should so persistently have laid hold on me in this matter. I do not know that I ever spoke to him in my life. I do not know that I ever met him, yet for weeks and months my name has been dragged before the public in *The Englishman*. Yes; I did meet him once, at dinner—at the table of his kind friend and patron, Lord Chief Justice Cockburn. That was the only time I ever met the hon. Member for Stoke. Well, I do not know why he should so persistently have introduced my name into this matter, because he, as a lawyer, must know that it is absolutely impossible for a Chief Justice

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sitting with two other Judges, before a cause had been tried, to have told me that the result would be what the hon. Member had stated. The hon. Member for Stoke said—“I express no opinion,” but he has expressed an opinion over and over again. Announcements of this nature have appeared—“Read Dr. Kenealy’s newspaper!” I presume that *The Englishman* is Dr. Kenealy’s newspaper. The hon. Member for Stoke says he expressed no opinion, but he was curious to learn what would be said in defence of the Judges. There would be nothing more monstrously absurd than to suppose that the Lord Chief Justice should have held such language, or that I should have made such a statement. It all rests upon that one statement alleged to have been made by the hon. Member for Peterborough, and which is directly contradicted by Mr. Hendricks. Now I put it to the House, and I put it to you, Sir, whether you will not vouchsafe to me your belief that the statement I have made is true, rather than that which has for months past appeared in *The Englishman* newspaper, and which has now been transferred to the House of Commons? I give it the most direct and perfect contradiction. The entry in the diary alluded to by the hon. Member for Stoke and the assertion there made are manifestly untrue and monstrously—I was going to say—false.

MR. SPEAKER: Does the right hon. Member apply the term “false” to a Member of this House?

SIR ROBERT PEEL: No, Sir; I applied it to the diary. I say that the entry in the diary which was referred to by the hon. Member for Stoke is manifestly untrue, and I am confident that the House of Commons will not hesitate to endorse the opinion I have now expressed.

PEACE PRESERVATION (IRELAND)

BILL—[BILL 77.]

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.*)

COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [22nd April], “That Mr. Speaker do now leave the Chair;” and which Amendment was,

To leave out from the word “That” to the end of the Question, in order to add the words

"in the opinion of this House, it is inexpedient to proceed with the consideration of a Bill re-enacting and modifying detached portions of several statutes, until it is put into such a form as to show clearly and distinctly the provisions which are to form part of the continued and revised code,"—(*Mr. Biggar*),

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MAJOR O'GORMAN said, that the Chief Secretary for Ireland had informed the House that he was not at liberty to state the information which he had received from the magistrates and the police in Ireland; but he (Major O'Gorman) would like to know if the right hon. Baronet had consulted the parish priests and Bishops of the Roman Catholic Church there with respect to the state of the country, for, if he had, he would then be able to give the House some valuable information on the subject. If he had consulted the Rev. Dr. Nulty, Bishop of Meath, he would have received all the information he could give him on the subject. At present the right hon. Baronet prided himself on the secrecy of his information; but he should like to ask him whether he was perfectly certain that the information he had received came from a perfectly reliable source? If it did, it would, of course, to some extent guide the House. Was he, in the slightest degree, quizzed by any of his correspondents? Had he heard of the celebrated Westmeath Ribbon story? He would relate it briefly. A gentleman living in the county of Westmeath, possessed of considerable property and very fond of field sports, had a daughter, who disliked living in the country; she found the country very stupid and dull, and repeatedly asked her father to remove to Dublin, where he had a house. He refused to do so, as he was so fond of his field sports, and was much beloved by his neighbours. Soon afterwards he received a threatening letter. A few days later he received another, but he thought little of either. Some days afterwards there came another threatening letter, and not only that, but one in which his coffin was delineated. He then became alarmed, and sent for the stipendiary magistrate, the county dry nurse. He attended at the gentleman's house, saw the letters, and placed himself in

communication with that sink of iniquity, Dublin Castle. Scores of detectives were sent down to the district, and domiciliary visits were paid to the houses of all the poor people, who were most roughly treated by the stipendiary and his myrmidons. But nothing could be detected as to the authorship of these threatening letters, though they still came pouring in. Nobody knew who wrote them, nobody knew anything about them, and the gentleman became seriously alarmed. He gave up his establishment in the country and removed into Dublin. His daughter was a very beautiful girl, just such a girl as could only be produced in his own Green Isle—blood, bone, and beauty, and plenty of it. She was universally admired, and had not been long in Dublin before proposals of marriage were made to her by a man who was fit for her. The wedding came off, and after the usual breakfast, when the young lady came down to take her departure, she threw her arms round her father's neck, and said to him—"Go down to the country, father; nobody will touch a hair of your head. You are beloved by everybody around you. Nobody wrote those letters but one person, and that person was myself. I wrote you every one of those threatening letters, and it was I who delineated that coffin. I found the country very dull; I asked you to leave it 20 times and come to Dublin. You refused, and, as it was very fashionable, I adopted the Ribbon scheme, and it completely succeeded." Did the right hon. Baronet ever hear that story? Most probably not; and why not? Because it was a story in favour of the people, and the right hon. Baronet did not go into the class of society that was favourable to the people, but only into that class that was hostile to them in every respect. He did not see him in his place; but he ventured to say that the right hon. and gallant Gentleman the Member for the county of Dublin and Chancellor of the Duchy of Lancaster—save the mark!—could have made the right hon. Baronet perfectly acquainted with that story, and several others. He (Major O'Gorman) would tell them another. The Protestant Archbishop of Dublin rushed one afternoon into the bedroom of the Lord Lieutenant of Ireland, at 4 o'clock. The Lord Lieutenant was a man of great talent,

and of great sloth. The Archbishop called to him—"Oh! my Lord, we shall have our throats cut. The country's up! the country's up! the country's up!" "Oh!" said his Lordship, "what time of day is it?" "My Lord," said the Archbishop, "it is 4 o'clock P.M." "Well," said the Lord Lieutenant, "t'is time for everybody to be up now." His Lordship got up, and found that the country was not up; but that it was as quiet as it was now, and as it had been proved to be by the Irish Judges, many of whom had declared that it was so at the last Assizes and at the Assizes before. He thought there was no reason whatever why that Bill should pass. It was his firm belief that the right hon. Gentleman at the head of the Government had no heart in it. He thought the right hon. Gentleman would rather that the Bill should not pass, or at all events that he had satisfied himself that the people of Ireland were perfectly quiet, perfectly well conducted, and perfectly obedient to the law. Surely the right hon. Gentleman, the foremost man of all the world, could well afford not to take over a legacy of this description from those blockheaded Whigs. He was strong enough not to do so. There were dozens of hon. Gentlemen behind him who would gladly see that miserable scrap blotted out. He entreated the right hon. Gentleman to cut it short at once. They would soon be in the season of sacrificing innocent Bills. But this was a guilty Bill, and not an innocent one. He besought him to despatch it, and to believe that he would never be sorry for it. Let him destroy that guilty Bill. He entreated him once more to do so. The altar was before him, and he entreated him to commence the immolation at once.

MR. PARNELL, in supporting the Motion of the hon. Member for Cavan, observed, that no arguments had been advanced against the Amendment of his hon. Friend. The hon. Member for Derry (Mr. R. Smyth), although he agreed with the principle of the Bill, said he should vote in favour of the Amendment as being a just and proper one. The Chief Secretary for Ireland, as an open foe, had, of course, opposed it, and so also had the noble Marquess who was supposed to lead the Opposition in that House. What reason had the hon. Member for Derry given for ap-

proving the principle of the Bill? It was this, that some coercion was necessary in his district to prevent Catholics and Protestants flying at each other's throats. But was that any reason why 30 other Irish counties should be placed under Coercion Laws? It had been said that some half dozen Irish landlords had given it as their opinion that without coercion they could not exercise the rights of property. What did they mean by the rights of property? He always noticed that when a Coercion Bill was to be passed through the House, they heard a great deal about the rights of property, but very little about its duties. Their views as to the rights of property were sometimes a little curious. He had seen Irish landlords sitting in polling-booths as agents for the Conservative candidate, hearing illiterate voters record their votes, and their tenants trembling when they came to vote against that candidate. That was an exercise of the rights of property of which he did not think Englishmen would approve. There had not been threatening letter writing of late, or shooting, or agrarian crime, and was that, he asked, a time to bring in a Coercion Bill? Was that a proper time to stop all discussion on the measure, when Irish Members were telling the House what the wishes of their constituents with regard to it were? The hon. Member for Derry had told the House that the Irish tenant-farmers of the North were convinced that some remedial measures were necessary for the restoration of tranquillity in that part of their country, and had said that if a promise of a Land Bill was held out, whereby small holders would be secured in their holdings, Ireland, instead of being a source of weakness, would be a source of strength to England. He (Mr. Parnell) did not profess to speak on behalf of the Irish tenant-farmers, but he did not believe that Irish tenant-farmers, even those living in the Black North, were so locked up in self-interest as to be inclined to give up the interest of their country to serve that of their class. When the proper time came, perhaps it would be found that he was as true a friend to the tenant-farmer as even the hon. Member for Derry, and he said this, knowing well the importance of securing the tenant in his holding, but knowing also that in the neglect

of the principles of self-government lay the root of all Irish trouble. The Chief Secretary for Ireland had found fault with the language which had been used by the hon. Member for Derry; but he (Mr. Parnell) did not know who had appointed the right hon. Gentleman the censor of the language used in that House by hon. Members. He thought that the facts of the hon. Gentleman were well put, and he only wished he was with them on their (the Home Rule) benches of the House. Perhaps the Chief Secretary for Ireland detected a sort of terror arising in the hon. Member's mind, that the time-honoured and ancient Whig hack would no longer be able to carry matters with a high hand in Derry County, and was holding out to him a helping hand in the event of his thinking of changing his side of the House. For his own part, however, he did not think that the hon. Member was likely to turn his coat, and he was convinced that he would always be found where he believed that the interest of his country required him. He trusted that the time would arrive when the history of the past would be forgotten, so far as it reminded England that she was not entitled to Ireland's confidence, and when she would give to Irishmen the rights which they claimed—the right of self-government. Why should Ireland be treated as a geographical fragment of England, as he had heard an ex-Chancellor of the Exchequer call it some time ago. Ireland was not a geographical fragment, but a nation. He asked the House to regard Ireland as anxious to defend England when her hour of trial came; and he trusted the day might come when England might see that her strength lay in a truly independent, a truly free, and a truly self-supporting Irish nation.

MR. R. POWER said, he could see no reason whatever for the passing of the Bill. The county of Waterford, with which he was intimately connected, was free from agrarian outrage, the best relations obtained between landlord and tenant, and he defied the Chief Secretary for Ireland to say that a portion of the Ribbon Association had ever extended to that county. At the last Assizes the Judge on circuit offered his congratulations on the marked freedom of the county from crime of all kinds, and beside that it was not three weeks since a learned

Judge had congratulated the Grand Jury of the City of Waterford upon the lightness of their work, and under such circumstances he protested against such a city and such a county being placed under these Coercion Laws. The Bill itself, in fact, was unjust and uncalled for, and was the result of the Government having been guided by private sources of information, instead of having obtained it openly and freely. Many remarks had been made on the length to which the hon. Member for Cavan (Mr. Biggar) had extended his speech; but he (Mr. Power) was bound to say, in justice to him, that he had begged him not to make a short speech; and his reason was the policy of silence by which they had been met on the Government side of the House. He knew there was in the House a majority that was beyond all argument; but he would for all that add his public voice to the representations made by those around him in reference to Irish sentiment and Irish liberty. Ireland was governed as a conquered country which was repugnant to the people of the country. It was a system that was unjust, uncalled for, and impolitic, because it was fraught with danger to the best interests of the Empire. Beyond that, no just cause had been given for suspending the Constitution of the Empire.

LORD ROBERT MONTAGU said, he had been unable to discover from the speeches of the Chief Secretary and the Solicitor General for Ireland what were the real reasons for the introduction of this measure. Various grounds had been alleged by the hon. and learned Gentleman, such as the existence of Fenianism, agrarian and sectarian differences and jealousies. But it was admitted almost in the same breath by the right hon. Baronet that Fenianism had almost disappeared; that the country, as a whole, was never more free from crime; and as to Sectarian differences and jealousies, would a Bill of this kind have any effect whatever in allaying either? Would the Government or the House propose such a Bill for that purpose to apply to England, where there were also sectarian differences and jealousies? No. In England they must tolerate: in Ireland they coerced. It was said by the Chief Secretary that the Bill was necessary because the ordinary Courts of Law could not deal with crime and secure the attendance of witnesses and

convictions. That ground, however, could not be maintained against the fact that in Ireland 75 per cent of the crimes committed the offenders were brought to justice, while in England the percentage was 50. But in what respects would the Bill facilitate the getting of evidence? There was power given by a clause of the Act of 1870, now submitted for re-enactment, to hold a general inquiry in regard to a crime, in cases where no one was accused, and to summon witnesses as in an ordinary judicial investigation. The exercise of that power would either lead to men being forced to incriminate themselves, a thing which was quite opposed to the law of England—or to the crime of falsehood being added to the other crime. It had been proposed as one mode of securing the administration of justice that any locality in which more than the ordinary average of crime was found should pay the extra costs of prevention and repression; but the right hon. Baronet had himself admitted that it was not likely to have the effect of inducing persons to come forward to give evidence. None of the clauses seemed to him likely to effect their professed objects, or remove the discontent of the Irish people which was alleged to exist. So long as there was a just and a righteous cause for that discontent it would continue. The only justification of the Bill he had really heard was the suspicion of the existence of Ribbonism in Westmeath. He said suspicion, because although the Government said they had information which justified them in proposing the Bill they had not given any tangible grounds to go upon. Indeed, he might say that the speech of the Chief Secretary was an admission that Ribbonism in Westmeath was dormant, if not extinct. Yet in regard to that county it was to be remarked that the severity of the legislation of 1870 was not mitigated in one iota by the present Bill. If it was not extinct, why did the Government liberate Captain Duffy and take him into their employ as a spy? A fear had been expressed lest the Government should become despotic. For his part he had no such fear. He knew from the writings of the Prime Minister that the right hon. Gentleman disliked that Bill in his heart as much as he did, but the right hon. Gentleman was, no doubt, outvoted in his Cabinet. Therefore, when he blamed the Government

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he excluded the Prime Minister altogether, for he had too much regard and reverence for him to believe that he would willingly assent to that measure; but the Government were making themselves odious by those violations of the Constitution. They had promised Ireland conciliation, and had given her coercion; they had promised them bread and had given them a stone. They were wearing out the patience of the country by the effete measures they had introduced, and by the flippant and flabby replies they had offered to the arguments brought against them.

MR. D. TAYLOR said, he could not agree with the noble Lord the Member for Westmeath in many of the views he had expressed. He (Mr. D. Taylor) shared the great dislike which existed on the part of Irish Members to a Bill of that kind; but he could not vote with the hon. Member for Cavan, if he pressed his Motion to a division, for he did not believe there was any disposition on the part of the House to deal otherwise than fairly and liberally with Ireland, and sufficient evidence of that fact was afforded by the legislation of the last Parliament in regard to that country. He had not the honour of a seat in that Parliament; but he highly approved of the Church and the Land Bills as measures which were proposed and carried in a sincere spirit of conciliation, and with a strong desire to remove discontent. But they must take into consideration the past history of Ireland, and the feeling of different sections of the population towards each other. With regard to that legislation there was still a strong feeling that it had not freed Ireland from agrarian crime to the extent which he believed it was calculated to do. But the fact was that Ireland had been too long neglected, especially with reference to its commerce and trade of every description, and too long represented by men who were of a different race from their constituents, and did not sympathize with the general body of the people. It would, therefore, take some time before such measures as those he had mentioned could produce their desired effect; still, he believed their good influence would, before a distant day, entirely remove agrarian crime from the country. It was only for agrarian crime, the perpetrators of which were seldom brought to justice—not from the sympathy of the people with such offences,

but because they looked upon the part of an informer as odious—that he thought a measure like the present was needed. He was sure the Government brought that Bill forward with reluctance; but the question was, could the peace and safety of the country be maintained without its provisions? Looking at the decreasing crime and the growing prosperity of Ireland, he would suggest to the Chief Secretary, who dealt with Irish questions with a care and a zeal which did him the greatest credit, that he might limit the duration of the Bill to two years, at the end of which time he hoped and believed it would not be necessary to renew it. If the Chief Secretary for Ireland took that course he believed that many Irish Members would waive their objections to it.

Mr. DUNBAR said, he differed from the hon. Member for Coleraine (Mr. D. Taylor), and would suggest that these Acts should continue only for a month longer, instead of two or five years. The Bill was one of the most complete specimens of everything that was objectionable, and its object seemed to be to conceal from the people the law under which they lived. They had heard a good deal about the faulty framing of Acts of Parliament, and at that moment a Committee was sitting up-stairs to consider the mode of drawing statutes and the improvements that might be effected in their language and style. Well, he thought the Bill now under discussion should be submitted to it, for it was about as complete a specimen of everything that was objectionable in form as any Act that had been brought before them for many years. He gave the Government credit for what they had done in relation to legislation in Ireland; but he would admit that if any measure of coercion was necessary, there were some very objectionable provisions in the Bill. If enforced, it would affect every man in Ireland, and the law would be so plain that every magistrate and every policeman who had to carry it out should clearly understand their duty in regard to it. The subject should be placed before the House fairly and in a complete form that they might know what they were doing, and if that course were pursued, he thought they would have no hesitation in rejecting it. He particularly objected to the 3rd section, which instead of stating directly what was proposed to be enacted, recited the Acts of

1870 and 1871, which were to be continued; and it was impossible in Committee to make any Amendment on those Acts. This was not carrying out the engagement made by the Government last Session, and the Amendment of the hon. Member for Cavan ought to receive the sanction of the House.

Mr. CLIVE said, he knew nothing of the county of Westmeath; but as the owner of property in the counties of Mayo and Tipperary, of which he knew a great deal, he begged to thank the right hon. Baronet opposite for bringing in that Bill. His speech clearly proved that he had a practical knowledge of the subject. It was true that the drafting of the Bill might have been more successful; but, on the whole, that was not a matter of much material importance. He gave the noble Lord the Member for Westmeath every credit for his ingenuity and ability, but he was deficient in practical knowledge of the subject. It was said that no reason had been given for the introduction of the Bill. He would commend to the attention of hon. Members below the Gangway an extract from an Irish newspaper which belonged to a former Member of that House whom they all respected—the late Mr. Maguire. *The Cork Examiner* of August, 1874, said—

“It is an unfortunate fact that among us for some time back it has been safer to commit murder than any other offence. We see constantly walking out of the dock free men and free women, persons whom no human being doubts had committed atrocious and cold-blooded murder. Crown prosecutors have now almost abandoned the idea of obtaining a conviction for murder. The clearest and most convincing evidence can at the best secure only a disagreement of the jury. Juries seem to have been inspired by a namby-pamby compassion which is reserved entirely for the person in the dock, for they seem to have none for the individual whose throat was cut, or whose drink was poisoned, or whose brains were battered. There seems to be far more commiseration for the murderer than for his victim. Jurors forget that in setting a murderer free they in all probability help to cut the throat of some new victim; for if the escaped criminal himself does not commit murder, the ease and safety with which he has got off lends temptation to some one else.”

Baron Dowse mentioned that there had been nine or ten cases of murder in Tipperary. All knew how difficult it was in Ireland to detect the perpetrators of agrarian crimes, and there was, therefore, the greater necessity for exceptional legislation, which there could be no

doubt had prevented many crimes and outrages. He admitted that such legislation caused discontent in some parts of Ireland; but that was stirred up by speeches of hon. Members in Ireland and in the House of Commons, and speeches which, if not delivered in the House, were sent to Ireland and published as if they had been delivered. There was no doubt that there was a considerable credulity and ignorance in some portions of the Irish people; but if the prosperity of Ireland went on increasing, and if the people became more intelligent and less credulous and savage in their nature, the necessity for these measures might gradually disappear.

MR. RONAYNE said, he took exception to the extract referred to by the hon. Gentleman who had just addressed the House, and maintained that it did not apply to the county with which he (Mr. Ronayne) was connected—the county of Cork; for on recent occasions the Cork juries had been thanked by the Judges for their verdicts, and that persons who had escaped elsewhere had been sent to Cork to be tried, and had been convicted. He wanted to know to what part of the country the extract read by the hon. Member applied. [MR. CLIVE said, he read an extract from *The Cork Examiner*.] It probably applied to England, and perhaps to the county of the right hon. Baronet the Chief Secretary, where a grand jury recently found a man guilty, and insisted on his being sentenced without his going before a common jury. That was in the county of Devon. [SIR MICHAEL HICKS-BEACH: That is not my county.] At all events, he complained that, for the purpose of supporting this Bill, the charge alleged against that county was cast like a shadow over all other parts of Ireland. The right hon. Gentleman the Chief Secretary for Ireland taunted the Irish Members with not bringing forward new arguments; but the answer must be that the Government adduced no new facts, and did not repeat the old ones. He (Mr. Ronayne) had been three Sessions in this House, and in that time three Coercion Bills had been brought in for Ireland. On each occasion the Government of the day considered it necessary to make a parade of certain facts—number of agrarian outrages, charges of juries, resolutions of grand juries, reports of magistrates; but on this occasion they did nothing of the

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kind. The right hon. Gentleman rested his case in support of this Bill upon secret letters addressed to Dublin Castle bearing upon the prevalence of agrarian crime, and which he refused to produce; but it was a fact that when this Bill was brought in in a former year, there was not any agrarian crime then in Ireland to justify the Government in introducing it. He would, in support of that assertion, refer to and quote the charges of the Judges of Assize in Ireland, showing that there was then no agrarian crime in the country. Mr. Justice O'Brien, in his Charge in the county of Cork in 1870 said, to the Grand Jury—

“No cases of agrarian crime will be brought before you, and no crimes but those of an ordinary character.”

He was glad to say, looking through the calendar, that since the last Assizes no crime of an extraordinary character had been committed in their county. Mr. Justice Fitzgerald, in like manner, bore testimony in his Charge to the Grand Jury of the city of Cork to the light state of the calendar, and to the freedom of the city from Fenianism, and of the surrounding country from agrarian crimes. In the West Riding there was, he said, only one crime that called for notice; and in the midland district or East Riding, which was as large as some counties, the Act need not be applied. Yet, notwithstanding that, the Coercion Bill was applied in that district. [The hon. Member then read statements of the chairmen of quarter sessions in the city and county of Cork, indicating the peaceful state of the places and surrounding districts where the sessions were held. Mr. Ferguson, chairman of the quarter sessions at Bandon, received a pair of “white gloves,” marking the freedom of the place from even a solitary case of crime on that occasion. “Last year, he said, “we had only one crime, and this year we have none.” Mr. Keane, chairman of quarter sessions, also spoke of the great freedom of the city from crime. Tralee was also remarkably free from crime. Then, with regard to the cases of murder recently committed in the South of Ireland, they were committed for “money,” and they were called by the people—he did not mean to speak offensively—“English murders.” One man who murdered a woman for money was hanged, and another

was banished for life, and condemned to penal servitude.] From those statements, it appeared dishonest to credit the Coercion Acts with having stopped or prevented crime where it never existed, and in continuing these enactments the Irish people felt naturally indignant that they should be treated as a nation of savages unfit to participate in the privileges of the British Constitution. The noble Lord the Member for the County of Waterford (Lord Charles Beresford) told the House last Session, on the second reading of the Bill for the Repeal of the 10s. Licence on guns, that if that licence was done away with, he and others would not long be Members of that House. Yet there had not been an instance of agrarian murder in Waterford for 30 years, and the noble Lord's brother, the Marquess of Waterford, was so deservedly popular that if every man in the county had a gun he might walk through the county at midnight unharmed. Again, the Member for Kerry was a supporter of the Bill, but he would ask him if there had been a single instance of such crime there during the last 20 years? He blamed the Irish Executive for putting the Act upon the South and other parts of Ireland where there was no necessity for it. The noble Marquess who sat on the front Opposition Bench, on introducing the Motion for the Secret Committee on Westmeath, expressed the greatest horror at having to propose such a measure. He pleaded ignorance of Irish affairs, and he (Mr. Ronayne) was surprised that he could advocate the present Bill without a blush on his countenance. The right hon. Gentleman (Mr. Fortescue) who was then Chief Secretary for Ireland stated that if the Irish Executive put the law in force where there was no necessity for doing so, they should be arraigned before this House for so doing. Now, with respect to Waterford, Cork, and Kerry, he defied the right hon. Gentleman to bring forward any cases to justify the enforcement of that Act. It was, in truth, kept up by the magistrates as a game law, and nothing else. He had been asked why, as a sportsman himself, he could possibly oppose an Act that so admirably succeeded in putting down poaching. It should be called, in fact, a Game, and not a Peace Preservation Act. The Irish Executive had put the Westmeath

Act into the middle of it, and thus the whole of Ireland obtained credit for the crimes alleged to be committed in Westmeath.

MR. SULLIVAN said, he was not sure that the Irish people had not accomplished a great deal when they saw the manner in which this Bill was received by the House. Hitherto Coercion Bills for Ireland had been brought in by eager speakers and carried by bristling majorities; but Irishmen had now won half the battle, for they had struck the conscience of their foes. The Prime Minister and even the Chief Secretary were ill at ease in carrying this Bill through the House, and dumbness and languor prevailed on the Treasury Bench. There were a dozen or more eloquent followers of the Prime Minister entertaining the doctrines which prevailed amongst hon. Gentlemen opposite, who refrained from speaking out in consequence of knowing the universal will of their countrymen. The hon. Member for Hereford (Mr. Clive), who spoke in such *de haut en bas* style, advised Irishmen from his lofty eminence to free themselves from Coercion Bills by ceasing to be savages. Now, Irish Members were told that Coercion Bills were called upon to repress exceptional crimes, meaning thereby crimes which were not common, because exceptional crimes existed in Ireland and not in England, and because in Ireland, criminals were objects of popular sympathy, so that they could not be brought to justice. Coercion laws were said therefore to be necessary for Ireland. Dr. Lankester, at a recent inquest, had called the attention of the jury to the frequency of cases of child-murder, but, as these were not exceptional crimes, no Coercion Bill was thought to be necessary for England. Referring to the frequency of child-murder in the metropolis, *The Pall Mall Gazette* said, it was a disgrace to the metropolis that not one per cent of the murderers were brought to justice. An hon. Member on one occasion, speaking on the same subject in that House, had stated that no fewer than 276 children were found dead in the streets and areas of London in one year, and that not one of the murderers had been discovered. Was that or was it not exceptional crime? But who had ever heard of a Coercion Bill for England? It had been asserted that time was wasted in the

debate by the Irish Members. He denied that such was the case. He and those who were with him were determined, weak as they were as a minority, that while one word could be said by a man to give utterance to the feelings of the people, it should be said to protest against a bill like this passing through the House, because it was only by rendering it unpalatable to the Conservatives and distasteful to the Government that they, a small minority, could hope to do any good. Why was it that after centuries of connection with Ireland this country had to resort to the tactics of Bismarck in Alsace-Lorraine, and to the carpet-bag legislation of the Southern States of America, in the present Bill, the name of which ought to be altered, for it would enact "That in the opinion of Parliament it is better that twenty innocent men should suffer than that one guilty should escape." Was there an Englishman here who did not know that it was one of the proudest boasts a countryman of his could make of his country's Constitution that it maintained it was better that ten guilty should escape rather than one innocent should suffer. It was one of an Englishman's boasts, also, that his house was his castle; but, in Ireland, a man's house was the policeman's, and a man was guilty until he was proved innocent, which was also opposed to the English rule. Another great fault he had to find with the Bill was that it would teach a lesson which was most fatal when taught to a half-educated people—namely, that the Lord Lieutenant, the Chief Secretary, or the Solicitor General for Ireland might break the law with impunity. While Pat Mooney must be sent to prison for belonging to a secret society, the hon. Member for Belfast (Mr. W. Johnston) might in perfect security remain a member of an Orange Lodge, and the hon. and learned Solicitor General for Ireland continue to be a Freemason. To show how harshly the Bill would operate he would refer to a letter he had received from Mr. Kyle Knox, a Protestant Conservative gentleman of the North of Ireland, who considered the right hon. Gentleman at the head of the Government the greatest statesman of the age. His correspondent pointed out that a sum of £500 was presented by the Grand Jury, owing to the murder of Stephen Church, to be levied in 10 instalments

from the tenants of the townland on which the deceased had been shot, the total rental of which was £270. The writer added that he could not see Conservatism, common sense, or common justice in fining men ruinously for having bad neighbours. Even the laws of Cromwell with reference to Ireland were milder in many respects than the coercive measures of our English Parliament of the present day. In Cromwell's time a district in which an Englishman was murdered was not fined if the criminal were given up to justice; but now, if all the men, women, and children joined in hue and cry after a criminal, and handed him over to justice, that would not save the district. This Bill was about to be forced through Parliament, not at the dictation of a spirit of law, but at the dictation of a spirit of vengeance, the same spirit which had induced the Danes to trample on the Saxons and which had induced the Normans to trample on both. Its continuance was a declaration of hostility to the country, and it was not with any great hope that his feeble words would much affect their decision to-night that he appealed to the House to pause before they forced this Coercion Bill on the Irish people. But, whatever determination the House might now arrive at, he was satisfied from what he had seen and heard in the course of this discussion, that if Irishmen stated their case fairly and fought the battle of their country openly and manfully, a feeling was at work in the minds of hon. Members which must eventually bear fruit in favour of Irish liberty. Let it not be supposed that those who opposed the passing of this measure did not yearn for the day when all their Representatives and the mass of the people of Ireland could put themselves at the beck of the law of the land, because every right-minded man must suffer when he found himself placed in opposition to that law. He protested, however, against the people of his country being taught political lessons out of this bloody and brutal code. He admitted he felt indignant when the miscreants in the Westmeath crime stained their country. But there was no country in which there were not epidemics of crime—moral epidemics, perhaps, which lasted for a season, and then disappeared. Take England, for example; at one time there was an epide-

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mic amongst people to commit suicide by throwing themselves from the Monument; at another time for drowning themselves in the Thames; at another time some other form of suicidal mania ran for a few years, and then disappeared. A few years since the crime of garotting was rampant in the country, but it had now disappeared. In Westmeath they had such a moral epidemic. He felt, and many of his friends felt, a great desire to go down to Westmeath and constitute a volunteer force in Ireland to stamp out the brutal enmities in Westmeath. And why did they not go? Because the Legislature had put them in a false position, and the Government trusted the police, who whispered away reputations and disregarded the protests of the men who had condemned, and still condemned, the passage of Coercion Bills. In conclusion, he felt confident that, although the Prime Minister would have to go through his bitter task that evening, and force the Bill through the House, yet, if Irish Members did their duty to their country, at no distant date the right hon. Gentleman would rise in his place, and put an end to that detestable *régime* of coercion.

MR. O'SULLIVAN said, that Irish Members were determined to oppose the measure at every stage, because they felt that there was no necessity for it; and that its only object was to preserve game and wild fowl in Ireland at the expense of the country. The grievance in regard to arms was in some degree sentimental; but the reality of it could not in any way be denied. For his own part, he was fond of carrying a gun for the purpose of sport; but he would rather debar himself from that pleasure for the rest of his life, than ask a magistrate to compliment him by granting him a licence. He held that every man was entitled to have a gun if he chose, for the protection of his person—it was a Divine right for a man to be able to protect himself, of which the Government had no just power to deprive him. He would tell the House a case which would show that the Bill was used for the protection of game more than for the protection of the peace of the country. A constituent of his had a gun since he was a boy, and got a licence for it when the country was proclaimed, but some great man in the neighbourhood found

out that this Murnane was a good shot, and occasionally killed some rabbits and hares, so he determined that the gun should be taken from Murnane. Well, no charge could be brought against him; but it happened that a very distant relation of Murnane's was charged for firing at another party—though the charge was never proven—so the authorities concluded that it must have been out of Murnane's gun that the shot was fired, and for that imaginary offence he was deprived of his gun. That would show them that the Act was used more for the protection of game than any other case. He would therefore feel it his duty to oppose it in every stage through which it had to pass.

MR. MELDON said, he would wish to re-call the attention of the House to the real question under discussion, and that was whether the Bill in its present shape was such as any Government could ask Parliament to pass. Admitting, for the purpose of the discussion of this question only, that coercion was necessary, such coercion should be rendered as little oppressive as possible; but in this case the Bill was so unintelligibly drawn that it would seem really intended not only to leave the people in ignorance of what the law was, but even to render its interpretation by the magistrates and persons who would be called on to administer its provisions next to impossible. He was a lawyer himself; but he was bound to confess that owing to the extraordinary confusion of the Coercion Code, as proposed to be enacted by this Bill, he had altogether failed in his attempts to frame Amendments on its provisions. Government had been guilty of a breach of faith in not fulfilling a promise given last Session—that on any future occasion the measure would be brought forward in a plain and intelligible form. If, indeed, there had been the same clearness in the Bill as in the speech of the right hon. Gentleman who introduced it, there would have been little ground for complaint in this respect. One of two causes must be looked to for an explanation of the introduction of the measure in its present shape—either an inefficient draftsman had been employed, or Government had desired to preclude, if possible, the discussion of the details of the measures which it was proposed to re-enact. The first could not be the case, for it would

have been much easier for any draftsman with a pair of scissors to have cut out of the existing Acts the provisions intended to be re-enacted and pasted them together, than to have drafted the present crude and unintelligible Bill. The other explanation must therefore be accepted; but he was glad to think the object would not be attained, as a glance at the proposed Amendments would show. It was exceptional legislation, it enacted a criminal code, and its terms should be simple and easily understood by the people, for it must be remembered that it was a measure which would have to be administered for the most part by magistrates who were not lawyers, and that it would be necessary for these magistrates to have 12 or 13 different Acts before them, in order to arrive at a decision under it. As matters stood, however, it was impossible to make out what the Government intended or what the people were expected to do. The Preamble itself presented a muddle such as was not to be found in any existing Act of Parliament, mixing up as it did a number of Acts together in such a way as to render it quite impossible for any one clearly to ascertain what was meant. The object of the Government—namely, to exclude discussion—having failed, he earnestly implored them, in the interest of the entire country, if there must be coercion, at least to put the law in such a state that its administration would be easy and its enactments intelligible. Let the existing Acts be repealed, and re-enact such portions as it was considered desirable to retain as law. That would have been a plain and simple course, and every one then would have been able to understand its provisions; but now it was impossible to ascertain, except with extreme difficulty, what was to be the law. There might be some reason why the House had heard no discussion on the other side; but he thought the real secret of it was, that hon. Members had no argument to offer against the proposition that the Act ought to be introduced in an intelligible form. Having said so much on the question immediately before the House, he could not sit down without protesting in the strongest manner against the proposed legislation. Ireland for many years had not been in so peaceful a condition or so free from crime. He most indignantly denied that

such a condition was due to the tyrannical laws at present in existence, and ascribed the existing state of affairs to the exertions and advice of his hon. and learned Friend the Member for Limerick (Mr. Butt), who had succeeded in convincing the people that a constitutional agitation for "Home Rule" was to be preferred to the violent agitations of former times. He considered that bringing forward the Bill at such a time was a grave political mistake on the part of the Ministers, who now had an opportunity of proving their goodwill to Ireland and of convincing the people of their wish to govern constitutionally never before offered to any Government. To this House the Irish people had returned a large majority of its Representatives pledged not to the disintegration of the Empire, but for the purpose of cementing the Union between the two countries upon a basis equally advantageous to England and to Ireland. The Constitution of Ireland was filched away from her by fraud and vices of the grossest kind. He believed that if the magistrates all over the country had been consulted on this subject, they would have told the Chief Secretary that the continuance of such legislation was totally uncalled-for, while at the same time it was demoralizing in its effect on the people. A large number of Members had been returned to assist the present or any other Government to secure peace in Ireland; they came to Parliament and assured the Government that Ireland was peaceful and desired to abandon all violent agitation, that her people wished for the goodwill and friendship of England, and asked for nothing that was not strictly constitutional and just, and what was the result? The Government would not have confidence in the Irish people. They would not say to hon. Members—"Use your influence to keep the country in the state of tranquillity which now prevails." If they would do so, these Acts would never be required. If a little more consideration was given to the views and the expressions of opinion on the part of the Irish Members in the House, they would not be called upon to enact measures which interfered with the rights of the Irish people. Never had there been a time in the history of the country when there had been such an absence of crime, and as there was

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not a tittle of evidence to show that that would not be a lasting condition of affairs, he contended that there was no valid ground for reinforcing these coercive measures. It was not too late to adopt a different policy towards Ireland. Let the Prime Minister say to us, "Gentlemen, you say Ireland is peaceful and free from crime and coercive measure are not necessary. I am willing to accept your assurance; but, remember, if my forbearance is abused, coercion must be again resorted to." If that was done the House would find that such confidence in the Irish people would not be abused, and there would not be any excuse again for renewing these unconstitutional measures. The Chief Secretary alluded to meetings of magistrates at which a renewal of the most stringent of these coercive enactments were advocated; but no person who was aware of the constitution of those meetings could attach any weight to their recommendations. If the opinion of magistrates was considered of importance, why did not the Government consult the magistrates throughout Ireland? The Chief Secretary dared not do so, for they would have told him that the continuance of such legislation was quite uncalled-for, while at the same time it was most demoralizing to the people. The Chief Secretary for Ireland had alluded to a case in which several men witnessed a murder, but would not pursue the murderer. He believed the explanation of their conduct was that, as the law did not allow them to possess arms, they were afraid to face an armed man. By depriving the people of arms they were cowering and demoralizing them to such an extent that it was no wonder crime was undiscovered. In conclusion, he would contend that the peaceful state of Ireland was due, not to the operation of the Peace Preservation Acts, but to the advice which the Irish people had received, and the example of moderation which had been set before them by the hon. and learned Member for Limerick and others who acted with him; and to the prospect that the country was about to enjoy again its liberty in the same way as the other parts of the Kingdom, and unless they did so, it could not be expected they would rest satisfied.

SIR HENRY HAVELOCK said, that he had no sympathy with crime; but that

nevertheless he intended to vote for the abstract proposition before him. It had been his lot to have lived in Ireland at a time when there was considerable disturbance and danger, and nobody who knew his antecedents would suspect that he had any sympathy with crime, agrarian or otherwise; but for the abstract proposition put before the House by the hon. Member for Cavan County, he could have no hesitation in recording his vote, as a protest against the shape in which the Bill had been introduced by the Government. At the same time he would suggest to the Government that it would have been far better that the Act should have been continued for two years instead of five years. This might remove objections which many Members might otherwise feel.

Question put.

The House divided:—Ayes 155; Noes 69: Majority 86.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Bill considered in Committee.

(In the Committee.)

Clause 1 (Short title), agreed to.

Clause 2 (Repeal of certain parts of Peace Preservation (Ireland) Act, 1870.)

MR. BUTT, in moving as an Amendment, in page 1, line 26, to leave out "the parts of" said, the evil had already been pointed out of introducing a number of Bills in one measure of this kind. The right hon. Baronet the Chief Secretary himself said that the objection would be a good one if that were a consolidating and amending Bill. He failed to see what it was if it did not come under that head, for it proposed to deal with provisions that were scattered through three or four separate Acts of Parliament. There was first the Act of 1848; that was slightly modified by the Act of 1856; that was materially altered by the Act of 1870; that was again altered by the Act of 1871; and now it was proposed to alter that again by this Bill. For the first time it was now proposed that that Coercion Code should be administered by petty session Courts, the magistrates of which would not have exactly the same facilities for deciphering its hieroglyphics as the Judges of a Superior Court. Four clauses of the Act of 1870 were repealed and only three retained. But the simple way

would be to repeal the Act of 1870, and then the three clauses which it was proposed to retain could be put separately before the Committee, so that important Amendments could be made upon them. Indeed, it would be well to make the much more moderate Act of 1856 the basis of the present legislation. With regard to the licence for arms, in the first Act there were only two kinds of licences, one for having arms in the house, the other for carrying them abroad. But, subsequently, a special licence was required for revolvers, and there was another clause which related to the carrying of arms on one's own land. Persons would be compelled to go to two or three different Acts of Parliament in order to know the law on this subject, and that was a most objectionable mode of legislation. The effect of his Amendment would be to simplify the construction of the Bill when it came into operation.

Amendment proposed, in page 1, line 26, to leave out the words "the parts of."—(*Mr. Butt.*)

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, the effect of the Amendment would be to place them as nearly as possible in the state in which they were in 1856. There would be this disadvantage from it, that very useful provisions would be repealed, such as those relating to search-warrants, the power to arrest absconding witnesses, and the power to grant compensation to injured persons. If the Amendments which the hon. and learned Member had placed on the Paper in reference to the clause were carried, nothing whatever would be left of the Bill, except the interpretation clause. He thought the best course of proceeding would be to wait until the clauses were respectively brought up for consideration. He could not accept the Amendment.

Mr. BUTT said, it was a matter of principle, and he must divide the Committee upon it. Here was a measure which would re-enact by implication, and in a way only to be understood by the careful examination of a lawyer, some of the most oppressive parts of the Act of 1870. His hon. and learned Friend was not capable of a trick; but, in previous legislation, there had been a trick. By the Act of 1856 the warrant

for search for arms could be executed only in daylight; but in 1870, stealthily, and by surprise, it was enacted that it might be executed at any time of the night. The right hon. Baronet proposed to retain that power. If it were to be retained, let it be done openly and not by implication. If they chose to keep this Bill involved and confused he could not be a party to its passing. It was a disgrace to modern legislation. He did not want certain stringent and highly objectionable laws passed by a side wind, but wished to have each definitely and openly re-enacted. Let each clause be put plainly before the House, and be open to Amendment. He did not propose to repeal the clauses, but simply to make them new legislation. Why should they shrink from discussion on these questions?

MR. M'CARTHY DOWNING thought the Government could not do better than agree to the Amendments of his hon. and learned Friend the Member for Limerick, and also to those of the other Irish Members. He (Mr. M'Carthy Downing) submitted that the Act of 1870 ought to be repealed *in toto*, because it was only brought in for a short time, to meet agrarian crime, which was entirely suppressed.

SIR PATRICK O'BRIEN said, he thought it was most unfair in the Government to press Irish Members to accept this measure upon grounds which were entirely untenable. He considered the Bill unnecessary, and that the Amendments of the Irish Members ought to be agreed to. The right hon. Baronet opposite must see that many English and Scotch Members did not take part in these discussions, and only attended to support the Government. Those Members when, on the division bell ringing, they came in to vote, would find an utterly unintelligible issue before them, and should it be allowed to go forth to Ireland that these English and Scotch Members—in all upwards of 200, he should think—simply voted upon the *ipse dixit* of the right hon. Baronet? If the Amendment were accepted, the subjects on which the votes would be taken would be known to these hon. Members. He urged the Government to give the proposal further consideration.

SIR MICHAEL HICKS-BEACH said, that whatever might be the case with regard to English and Scotch Members,

Mr. Butt

Irish Members had shown themselves perfectly capable of understanding the Bill. He would say this shortly with regard to the whole question—he did not see how they could possibly do anything more plain than state in the Bill, as they did state, the sections of the existing Acts which it was proposed to repeal, the sections which it was proposed to re-enact, and the modifications to be made in those sections. Hon. Members asked them to repeal all the existing law, and to begin *ab initio*. That was no new Bill; it was a Continuance Act, and it was dealt with in the same way as every other Act of the same kind that had ever gone before. He believed that if the course the Government had taken had not been pursued, night after night would have been taken up with speeches charging them with the intention of making the Peace Preservation Acts permanent, because they had departed from the ordinary custom. What was the point raised by the Amendment of the hon. and learned Member for Limerick? The hon. and learned Member proposed to adopt the Act of 1856 as the basis of legislation, and merely to re-enact the special clauses of 1870, which it was proposed still to retain. That might have been all very well if the existing law had been mainly contained in the Act of 1856; but the law had been so altered by repeal of sections and other modifications between 1856 and 1870, that the Act of 1870 had become the principal embodiment of the law. The Government were willing to meet some of the proposals of hon. Members opposite; but they could not accept this one, which was practically aimed at the very root of the Bill. Indeed, if the Amendment were passed, he did not see how they could continue the discussion, and therefore he should resist it. He hoped that they might shortly pass from the principle of the Bill, and the mode in which it had been presented to the House, and enter upon the discussion of its details: and then the hon. and learned Member would find that the Government were ready to treat the Amendments which he and the other Irish Members had placed on the Paper, in a spirit of fairness and with due consideration.

THE O'CONOR DON said, he was prepared to support the Amendment of his hon. and learned Friend the Member for Limerick. The Act of 1856

was a temporary Act, but the Act of 1870 was far more stringent, and had been passed for only two years, and many of its provisions were now to be abandoned. Of those that remained some would require amendment, and in order to have the opportunity of amending them the clauses should be set forth in full. He objected, for instance, to Section 39, of the Act of 1870, in its entirety; but if the Committee were against him, he should be anxious to propose Amendments to it. But now no convenient facility was given to hon. Members to propose Amendments and that arose from the form in which the Bill was proposed. At the present time he defied any hon. Member, no matter what his knowledge might be, to understand a single Amendment on the Paper without having all the Acts of Parliament before him. A person would require to have several statutes, and a whole lot of books spread out before him in order to understand the Amendments that were proposed. He could not understand what objection there was to accept the proposal of the hon. and learned Member for Limerick.

SIR EARDLEY WILMOT said, although he supported the second reading, he must confess that in the whole course of his professional experience, which had been greatly devoted to the study of Acts of Parliament, he had never come across a more complicated and embarrassed piece of legislation, and it would be almost impossible so to alter it in Committee as to render it intelligible to the particular class of people for whom it was intended. At the same time he could not support the Amendment of his hon. and learned Friend the Member for Limerick, which would make matters worse than they were at present.

MR. BUTT said, all the machinery was contained in the Act of 1856. The Act of 1870 was repealed, except as to three clauses which had nothing to do with the Amendment. He wished to point out that the 8th clause of the Act of 1870, already repealed by the Act of 1873, would be again repealed by the present Bill.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, the clause was repealed by the Act of 1873. [Mr. BUTT said, it was repealed again in the present Bill.] That was

so; the 8th clause of the Act of 1870 was repealed by the temporary Act of 1873. But lest it might be argued that the Act of 1873 was not so continued by this Bill as to prevent the revival of this clause, he had thought it better to put it into the Schedule of repealed clauses in order to make the matter perfectly clear.

MR. M'LAREN said, he had heard of Irish Coercion Bills, and he knew a little about them; but still he could not say that he had ever read one of them until now. Having done so, he could only say that it was almost impossible to understand what the Bill meant. He was not sure if he made an honest endeavour to understand it, that he should be able to succeed. About a dozen Acts were re-enacted in the Bill in whole or in part, and he was expected to give an honest vote, saying "Aye" or "No" whether those Acts, which he knew nothing about, ought to be re-enacted. He thought that was very unjust; and he was of opinion that English and Scotch Members could not possibly understand the Bill now under discussion, unless they made a special study of all the previous Irish Coercion Acts. He further thought that if they voted for the provisions of the Bill it would be more from faith than knowledge of what they meant. A Parliamentary Paper was delivered to him last Saturday which showed that recently the Lord Chancellor had asked the officials of the two Houses of Parliament to communicate to him their opinion with reference to the consolidation of the statutes. Mr. Rickards having been asked by the other officials to express their views on that subject, made a statement to the effect that it was not convenient, nor was it creditable to our statute law that there should exist on a given subject several Acts of different dates which successively interpreted or partly repealed one or two of their predecessors. The opinion of these officials was that the remedy lay in a consolidation of statutes. That was exactly what they should be asked to do in the present instance. The Committee pointed out the remedy. They said that, in all such cases, the Acts should be consolidated. He (Mr. M'Laren) wished therefore to know why the Chief Secretary for Ireland could not take a pair of scissors and cut out all the clauses of Acts which he desired to be

re-enacted, paste them together, make such alterations as he thought necessary for their harmonious working, and then produce a Bill containing this Code of Coercion. In that way every Member of the House could read intelligibly what the law was proposed to be made; but, in the present case, it seemed to him to be impossible, except for those who were intimately acquainted with the matter, for any Member to give an intelligent opinion on the subject. If some alterations were intended to be made by the Government in the clauses of former Acts proposed to be partially re-enacted, why should not such alterations be inserted in distinctive type, as was done in similar cases in the House of Lords, in Bills returned with alterations by this House? There would, in that way, be no difficulty whatever in framing a proper Bill which should include everything which it was intended to include in the present Bill, and which every Member of the House should have an opportunity of intelligently assenting to or dissenting from. For those reasons he should give his most cordial support to the Amendment.

SIR GEORGE BOWYER believed that they were drifting into a very bad style of legislation, for in all his experience of the House of Commons—and it was not a short one—the system of drafting Government Bills was never so bad as it was now. He had no hesitation in saying that a worse specimen than the Bill under notice could not be found. The more we legislated, the more our laws became entangled and more difficult to comprehend, through the system of references in Acts to other Acts of Parliament. What was the use of having a Commission for the consolidation of the statute law, when almost every Act the House passed was framed in a manner inconsistent with consolidation? If one Bill more than another ought to be perfectly plain it was this, because it affected the people of Ireland in their daily life. But he wanted to know how it could be possible for people of the humbler classes to understand a Bill framed in such a manner. The Bill ought to be withdrawn for the purpose of bringing in another Bill containing the whole of the law on this subject.

MR. VANCE said, he could not see why that Bill, of all others, should be selected for opposition on the special

grounds alleged by the hon. Members for Edinburgh (Mr. M'Laren) and Wexford (Sir George Bowyer), who had on hundreds of occasions voted in favour of measures similarly drawn. He could only account for the mode of criticism which had been adopted on the supposition that hon. Members opposite had made up their minds to oppose the Bill in any and every conceivable form that was open to them. He would admit that it had defects; but such defects were almost inseparable from a Consolidation Bill.

SIR JOSEPH M'KENNA said, he could only regard the Bill in its present form as a kind of legislative pudding-stone, and, so regarding it, he should adopt every means open to him in order to pick it to pieces and ascertain the composition of the mass. He thought the right hon. Gentleman should introduce clauses showing distinctly what was repealed and what continued, so that the decisions of the Committee might be come to on intelligible propositions.

MR. COLLINS said, he also was unable to understand the Bill, owing to the form in which it was drawn. He therefore hoped that the right hon. Baronet who had charge of the measure would withdraw it, and substitute for it a Bill in which the Acts and portions of Acts which it was proposed to re-enact and repeal should be fully and clearly set forth. It was impossible for the great majority of hon. Members to give an honest vote upon it.

MR. FORSYTH agreed with the hon. Member who had just spoken in thinking that the provisions of a Bill like the present one ought to have been made more clear than was the case with the measure as it stood. Although he could not vote with the Home Rulers in the end, he thought that in a Bill of this kind such portions of previous Acts as were re-enacted by reference should be distinctly and fully incorporated in the Bill.

MR. WHITWELL thought that as the Attorney General had appointed a Select Committee to inquire into the mode in which Bills were drawn, with a view to amendment, the Government ought to have been more careful in framing the present measure. He thought that time would be saved if the Government reframed it, for it was the worst model of a Bill he had ever

seen laid before Parliament. It was a Bill which curtailed the liberties of the Irish people, perhaps, in the interests of order and public safety, and they were entitled to know what they were to be subject to.

THE ATTORNEY GENERAL said, that, although at the instance of the hon. and learned Member for Marylebone (Mr. Forsyth), he moved the appointment of a Select Committee on the question of drafting Bills, he expressly guarded himself against assenting to the objections which were urged against the present system by the hon. and learned Gentleman. It was always a question, when they were going to deal with an existing Act of Parliament with a view to continuing its enactments in a modified form, whether it was more expedient to repeal the whole of the existing Act and re-enact those portions of it they desired to retain, or simply to repeal and modify those portions which it was thought expedient to amend, and the solution of that question must depend on the circumstances of the case. In the present case the former course certainly appeared to him to be preferable. Suggestions had been made that certain paragraphs in the Bill were not readily intelligible; but it was to be assumed that the Acts referred to were well known to the Irish people, and if hon. Members who were unacquainted with those Acts only referred to them they would have no difficulty in understanding the present Bill. The 2nd clause of the Bill told them what sections were to be repealed, and the 3rd clause what sections it was proposed to modify.

MR. SULLIVAN urged that when they were legislating for the common people the simpler the Bill was made the better. In that view it would be more intelligible if the parts of previous Acts were shown, and not merely alluded to by figures. The question, he pointed out, had nothing to do with the policy pursued by the Government. Why should there be a long debate upon matters which any intelligent sub-editor with his scissors and paste-pot, could settle in half-an-hour. The Amendment did not alter in any way, but merely simplified the Bill.

MR. BULWER said, that if the object of the Government in drafting the Bill in its present form was to pre-

vent discussion on such parts of the Peace Preservation Acts as it was not intended to alter, although he did not agree with that mode of drafting Bills as a rule, yet he thought the Government were right in the present case. As to the objection that hon. Members opposite could not understand the Bill, he would only say that if the House refused to pass a Bill until every hon. Member understood it, legislation would be very slow indeed. Everybody interested in the present Bill understood it thoroughly; and he made bold to say that it was perfectly well understood by the hon. Member who had just spoken (Mr. Sullivan), and, indeed, by every other Irish Representative in the House. The only object of hon. Members opposite was to make the Irish people believe that the Government were imposing upon them new coercive laws, instead of mitigating those which already existed.

MR. SULLIVAN could assure the hon. and learned Gentleman that he was in a state of blissful ignorance as to the bearing of the Acts amending other Acts, which again amended Acts in their turn. In trying to follow the relations of one to the other, he was "in wandering mazes lost."

MR. BULWER said, he was certain the Government would only be too glad to draft the Bill in accordance with the views of the hon. Member for Louth (Mr. Sullivan) and his Friends, if they, on their part, would pledge themselves to offer no opposition to those parts of it which the Government did not propose to alter. What hon. Members for Ireland really wanted was, that the Peace Preservation Act of 1870 should be re-opened to discussion, while the Government might possibly desire that Acts passed by a previous Parliament, and which they did not intend to disturb, should, as far as possible, remain undisturbed. If this was the view of the Government he entirely approved of it, and he would therefore vote against the Amendment.

MR. MOORE was astounded at what had fallen from the hon. and learned Gentleman who had just spoken. There was one of Her Majesty's Counsel learned in the law who had told the House that the Bill was drawn in its present form with the object of stifling discussion. This was an important admission, and one which he earnestly

hoped would be contradicted. As for the Bill itself, in its present shape it was quite unintelligible. It would be utterly impossible for magistrates and grand jurors to go through the whole statute book when called on for a summary decision; yet that was what the Attorney General seemed to expect.

LORD ROBERT MONTAGU insisted that it would be most inconvenient for magistrates who had to construe the Act to refer to five different Acts. The right hon. Baronet said that if they were to bring forward this Bill, except in the usual way, it would be defeated night after night in Parliament and what did that mean, unless that this action was taken by the Government in order to hoodwink Parliament and to secure the passage of legislation which very few Members of the House could really understand.

MR. O'SHAUGHNESSY hoped what had been said by Scotch and English as well as Irish Members would induce the Government to re-consider the matter. They had fallen into a mistake. Let them place before the Committee the clauses of the Act referred to, let them undergo what modification they intended, and then let there be a fair fight with respect to them; but if the clause were continued in its present form it would be impossible to know what they were fighting about. What had taken place with regard to Section 8 of the Act of 1870 completely proved the clumsy and confused state of the Bill. Schedule A contained the sections of the Act of 1870 which were to be repealed by this Bill, and Section 8 was there set forth. Then it was said by the senior Member for Limerick (Mr. Butt) that the 8th section of the Act of 1870 was repealed by the Act of 1873; but the Solicitor General for Ireland stated that the Bill of 1873 enacted only a temporary repeal of the 8th section, and it was therefore necessary that that section should be included in the Schedule. But the fact was, that the section was absolutely repealed by the Act of 1873, and if the Solicitor General for Ireland could make such a mistake on such a point, how could they expect the law to be understood by the common people, and even by the magistracy, in Ireland? He lamented the Bill, however, as one which would be certain to widen the gap which now divided the upper and lower classes in Ireland. By the almost

Mr. Bulwer

unlimited power in which the Bill gave to the upper classes and to the majority, it was the very thing of all others that was calculated to check the growth of confidence and to make the general population believe that were siding with ascendancy and encouraging the very principles from which, in former times, the people so much suffered.

MR. GIBSON said, he would not now discuss the policy of the measure; but he denied that the section under consideration was in any way ambiguous. On the contrary he maintained it was perfectly intelligible, and there was no difficulty in grasping it. The section was plain and clear as crystal, and the references to previous Acts were quite usual and had not the ghost of a shadow of ambiguity. The logical contention of the hon. and learned Member for Limerick was that the Bill should recite the parts of the Acts repealed. [Several hon. MEMBERS: No; what is enacted.] The Bill did not purport to be a codification of the law, nor a permanent piece of legislation; on the contrary, it was a partial continuation of what he hoped would soon be wholly repealed. Its legal force would have a life of five years at the longest, while its worst parts would die out after two years, and that being so, he thought hon. Gentlemen opposite were somewhat unreasonable in contesting it so persistently. If the legislation were to be permanent, the Bill ought to be complete in itself; but, as an early alleviation of the law was expected, it was unreasonable to single out this Bill as a measure exceptionally confused. The very last Act of Parliament on this subject, that of 1870, was even more abstruse in its references than this Bill was, and yet it was perfectly understood by Irish Members, and was even supported by the hon. Member for Edinburgh (Mr. M'Laren). He admitted that the Bill was a specimen of the kind of drafting which he hoped would soon be reformed, and which was now being investigated by the Committee obtained by the hon. and learned Member for Marylebone (Mr. Forsyth); but he denied that there was any reason for a special attack on the drafting of this Bill. It was justified in this case, at any rate, from the fact that Irish people had become familiar with these enactments.

MR. M'LAREN said, that as his name had been referred to, he would mention that he was so little in love with Bills of the kind that in 1866, when a Bill was introduced for the suspension of the Habeas Corpus Act, and 300 or 400 Members voted for it, the first vote he ever gave in Parliament was one against it, and his vote appeared in the minority of some eight or ten who opposed the Bill.

MR. FORSYTH objected to this particular Amendment because it and the one which followed would repeal the whole Act, of which it was intended by the Bill to repeal only a part. He was not prepared to support such a proposal as that.

MR. P. MARTIN again urged that what the Irish Members desired to know was what laws were intended to remain in force, and the necessary incorporation of the provisions to be re-enacted could easily be made in Committee. As the hon. Member for Louth had said, it might easily be done with a pair of scissors and a paste-pot in half-an-hour. The refusal of the Government to insert them in the Bill looked like an attempt to stifle discussion. Why did not they accede to the demand made upon them and save the time of the Committee?

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) denied that he had, as had been represented, fallen into any mistake whatever in interpreting the clauses of the Bill. It was impossible for the Government to accede to the proposal to re-cast the framework of their measure, which was intended to renew certain Acts which would otherwise expire on the 1st of June of the present year. There was, perhaps, a probability that a Select Committee on legislation now sitting upstairs might report against the manner in which the Bill had been formed. But the able draftsman of the Irish Office had only followed the invariable practice since 1847, and although some slight inconvenience might be felt, no injustice could possibly be suffered by grouping the provisions intended to be repealed in the Schedule, or by the references to previous Acts. Why such great objection should now be raised for the first time he could not see, for there was no criticism that had been made on the Bill, that was not equally applicable to every

Act of this code since 1847. There were Notices of 67 Amendments to this Bill of five clauses. Every possible point would thus be raised. The Government would not shrink from demanding the measures necessary for the preservation of the peace; but they would carefully consider every proposal whereby this object could be secured with the least possible inconvenience to the law-abiding people of the country.

MR. BUTT did not ask the Government to recast the Bill, but he would undertake that the changes desired could be made in three minutes at the Table of the House. If that was not done it would go forth that a Member of the legal profession sitting on the Ministerial side of the House had declared that the object of the Government in framing the Bill in this manner was to prevent discussion; but he must say that he had a far better opinion of the Solicitor General and Chief Secretary for Ireland than to believe that the statement was well-founded.

MR. BULWER said, that the hon. and learned Gentleman had misunderstood what he had said, or, at least, what he had intended to say. Not being a Member of the Government he had not stated and could not presume to state what their object had been. When the hon. Member for Louth asked why the Government did not use their scissors and paste-pot, and put in their Bill all the clauses of the Act of 1870, he merely asked the hon. Member whether if that were done he would pledge himself not to oppose those clauses.

MR. BIGGAR said, he had taken an unusual amount of trouble in informing his mind on the present Bill, but he had been obliged to give up the idea of reading the Acts dealt with in the measure. The Act which was here dealt with had reference to no less than four other Acts of the utmost importance and complexity.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 222; Noes 84: Majority 138.

Clause agreed to.

Clause 3 (Continuance of Peace Preservation (Ireland) Act of 1870, subject to amendments and modification).

The Solicitor General for Ireland

THE O'CONOR DON moved, as an Amendment, in page 2, line 4, to leave out the words "sections 12 and 13 of." His object was to omit all the clauses referred to by the Bill, which embodied the principle of charging the inhabitants of any locality with the payment of compensation to the relatives of persons murdered in connection with agrarian offences. He was obliged to raise the question in the form he had done, although he admitted it was an inconvenient form, and he wished to state clearly to the Committee his reasons for objecting to the principle. He thought it was unjust and unreasonable to tax the innocent inhabitants of a district for injuries to persons which they had no power to prevent. The hon. and learned Member for Dublin University (Mr. Gibson) had said that this tax, which it was proposed to put upon localities, was quite consistent with the British Constitution, and that when a riot occurred in England, the inhabitants of the district where the riot took place had to pay for the damage committed, and that there was such a law in existence in Ireland. But that was a statute, the object of which was to compensate a person for a malicious injury to property, and there was no analogy between exacting compensation for injury to property, as was done under the Riot Acts in England, and exacting it for injury done to the person. The fact that compensation would be given in the former case would probably deter malicious persons from destroying property, as there would be no object to be gained by it; but they would not be so deterred in the other case, and, indeed, such a thing as compensation for the destruction of human life was impossible. Moreover, it was not merely to certain districts in Ireland that the provisions he objected to applied, for they were put in force in every part of the country. If the principle was a good one, and so consistent with the principles of the British Constitution and British law, why was it confined to agrarianism, and why was it not extended to England? They had heard of such things as trade-union outrages in England, and the law, if a good one, should be extended to England. He thought, again, if the law was such a good one, it ought to be made a permanent instead of a temporary measure. There was, he

contended, no more ground for adopting that sort of legislation as a means of repressing outrages arising from land disputes in an agricultural country, than there was for adopting it with regard to outrages in a manufacturing district arising from trade disputes, and it was unreasonable to expect that the one class of offences any more than the other would ever wholly disappear. He believed that if English Gentlemen could only be brought to look at the proposal fairly and with due consideration, they would be ashamed to support it. The Bill proposed that 23 gentlemen composing the Grand Jury should estimate in money the value of a human life, which was not to be measured by the loss sustained by the murdered man's family, but by having regard to the rank, the situation in life, and the circumstances of the person who was murdered or injured. By that means a man in high station would be awarded more, or his surviving relations receive more, than those of an honest, industrious hard-working man, who might have been the support of his family. That was a principle which they would not dare to apply to England; and Ireland was about the last country in the world to which such an invidious distinction ought to be applied, for there it was most desirable, as far as possible, to blot out distinctions of class and of race—those distinctions which had been one of the greatest misfortunes to Ireland, the line of demarcation between those of the upper classes and those of the lower being so unusually broad. It was a degrading task to impose on the Grand Jury—an unsuitable tribunal, moreover, for the discharge of such a duty, inasmuch as it consisted of the upper class, and of men who would not have to pay anything towards the compensation they awarded. The hon. and learned Gentleman the Member for Dublin University had, on the second reading of the Bill, said that there was one advantage in the provision, because it would tax the locality in which the perpetrators of the crime resided. But that was not necessarily the case, for the compensation had to be voted if the crime committed was ever proved to be agrarian, and how did that work? There was a well-known instance of a lady who lived at Rathgar, in the county of Dublin, on the very best terms with her neighbours. She had some landed property in quite a different

part of Ireland, and, having had some disputes with her tenants, was murdered, as it was supposed, by some of them or by some persons on their behalf. Her husband applied for compensation to be levied on the county of Dublin, where the crime was committed, and the inhabitants of that county had to pay a very heavy fine for a murder committed by persons living in a totally different county. Again, he knew a case where a man who was fired at applied for compensation, and, although he knew the person who fired at him, and refused to give information, yet the Grand Jury gave him £200 compensation, so that in a case where a man declined to bring an offender to justice he was absolutely rewarded by this Act. He had heard that in the county of Clare at the last assizes an application was made to the Grand Jury for an award of compensation by a man who stated he was fired at, who had received no injury beyond a scratch which might not have arisen at all from a shot, and yet the Grand Jury awarded compensation, which was levied on the peaceable inhabitants. That principle seemed to him to be opposed to all the principles of modern legislation. At one time, indeed, men's lives were valued by British law according to their rank and position, the scale graduating from the humblest serf up to that of the man of the highest rank, but he thought these days had passed, and certainly they had passed so far as England was concerned. Looking at the system as it at present stood, and its operation, he should oppose the clause in its entirety, but if it were carried in spite of his opposition, he hoped the right hon. Baronet would so amend it, that its operation would be confined to cases in which Ribbon or agrarian conspiracies were clearly proved to exist. In that way it might be rendered more acceptable.

Amendment proposed,

In page 2, lines 2 and 3, to leave out the words "as amended by sections 12 and 13 of 'The Protection of the Life and Property in certain Parts of Ireland Act, 1871.'"—(*The O'Connor Don.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

SIR MICHAEL HICKS - BEACH said, he could not accept the Amendment; but he would undertake to con-

sider on a future occasion whether the law could be further modified. He wished to point out that the clause as it stood necessitated that the crime for which compensation was to be awarded should be of an agrarian character, or arise out of illegal combination or conspiracy, and he therefore thought the Committee could scarcely fail to accept the principle of the clause. The decision whether compensation was to be given or not, rested entirely with the Grand Jury, who were, with the going Judge of Assize, the body administering the law in cases coming within the meaning of the clause. The hon. Gentleman admitted that compensation was given under another Act in cases of malicious injury to property or to person, and for loss of life. He (Sir Michael Hicks-Beach) did not think that money compensation for personal injury or loss of life was unknown to the spirit of British law, for they continually heard of large payments being made on this account by railway companies after an accident had occurred. It was true that the law compelling these payments was not on all-fours with the proposal now before the House, either in its nature, or in the reasons for its existence; and this proposal was made temporary instead of permanent, because they did not believe that agrarian conspiracy and combination in Ireland would be of permanent duration. The provision might not secure evidence, but it would produce a wholesome dread of allowing crime to occur if it could be prevented, and unwillingness to harbour an intending criminal. The compensation awarded by the Grand Jury under the clause—which would be examined by the Judge of Assize and fixed or altered by him—would, in fact, be a tax upon the cowardice or indolence of those resident in the district in which agrarian crime was committed. In order to meet the objection that too great a compensation might be awarded, the Bill contained a clause to modify the provisions of the existing law so as to enable a Judge to check the action of the Grand Jury more than he could do now. This Amendment, he believed, would prevent abuse, if it were now possible; but he questioned if, even as it stood, the law had been in any way abused, for the total sum levied throughout Ireland last year was very small. The principle of the provision had been discussed upon many

Sir Michael Hicks-Beach

occasions in the House, and had been approved by large majorities and included in successive measures. He believed it exercised a very useful repressive influence upon crime and criminals, and as such the Government asked the House again to include it in this measure, in the hope that when the term of five years had elapsed, this, with the other portions of the measure, might be suffered to expire.

Mr. M'CARTHY DOWNING said, he considered the tax a very harsh and unnecessary one, and one which had utterly failed to produce the effects it had been intended for. He would refer to a case in which £800 had been awarded to a widow who probably never possessed a £5 note; and the fine was imposed, not upon the district in which the murder was committed, but upon a portion of the county 16 or 17 miles distant from the scene of the murder, whereas the cost of the police sent down in consequence of the murder was put on a small area, excluding properties near the scene of the murder, on representations, he supposed, of owners of those properties. The evidence given on the part of the Government before the Westmeath Committee showed that the law totally failed in its object, for according to the evidence of Captain Talbot, a resident magistrate, these fines did not to any extent touch the guilty, who were too poor to pay much, and the consequence was they were imposed almost wholly on the innocent. Mr. Reed, another resident magistrate, said these fines did a great deal of harm. They alienated the people and prevented the giving of information. Captain Barry, another resident magistrate, gave similar evidence. Why did not the Government propose that these fines should be paid like the poor rate, one-half by the landlord and one-half by the tenant? The right hon. Gentleman would find it very difficult to govern Ireland if no alteration were made on this subject of fines.

Mr. BUTLER-JOHNSTONE would suggest that no fine should be imposed on a district in which a murderer was given up.

Mr. HERBERT asked, whether the hon. Member for Louth (Mr. Sullivan) wished the House to understand that a great number of the members of a Grand Jury who had property in a district in which a murder occurred declined to

impose a fine on that district in order to order to save their own pockets?

MR. SULLIVAN said, his belief was that the Grand Jury had been influenced, and he did not believe that there was a Grand Jury in Ireland that had not been similarly influenced.

SIR JOSEPH M'KENNA supported the Amendment.

MR. SULLIVAN said, there was nothing more oppressive or more maddening ever attempted against a people, not even by the Saracens in Spain, than was attempted by that Bill against the people of Ireland. If they passed the clause in its present shape, they would proclaim the Irish people aliens, and not subjects of the Crown. No precedent could be found for the clause, and the rejection of the Amendment moved to it by the hon. Member for Roscommon must have a disastrous effect in Ireland, for nothing in his opinion could be more tyrannical than that a fine should be imposed upon a district, even though the criminal were given up—that fine to amount, perhaps, to the whole rental of the district, and to be imposed by those who would pay no portion of it themselves.

MR. BIGGAR moved to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Biggar.*)

MR. DISRAELI said, that before they reported Progress he thought it would be much better if the Committee could come to an understanding on the point. He was much disposed to accede to the proposition made on the other side—that where the criminal was given up, the fine should not be levied. That showed the advantage of discussion, and he must protest that at 12 o'clock, when the discussion was still proceeding, and with advantageous results on both sides, a Motion for reporting Progress should now be made.

MR. BUTT said, that he could not support the Motion; and he understood that the hon. Member for Cavan did not rise to make it with any intention that the discussion should then cease, but because he had been interrupted in addressing the Committee. The imposing of this old blood money was a most important provision in itself, and ought to form the subject of a separate Bill.

MR. BIGGAR said, he made the Motion because the question could hardly be said to be receiving discussion. No arguments had been adduced in favour of the clause, and there was not the slightest probability of arguing it out that night. It would be his duty when the Committee met again to speak at some length on the point. The House was in no mood to listen now, and he should therefore persevere with his Motion.

SIR JOSEPH M'KENNA observed that no doubt the proposition just made by the Prime Minister had been made in good faith; but it was a proposition which could have no useful effect. In most cases the people of a district would be unable to arrest and deliver up a criminal; and, if they could not, why should they be fined for not doing so?

MR. RONAYNE protested against the clause as being most injurious in its effects on the social position of many districts in Ireland. He thought it hard that poor people should be taxed for the payment of compensation when they might be perfectly innocent, and know nothing whatever of the offence. [*Cries of "Order!"*]

THE CHAIRMAN hoped the hon. Member would confine himself to the Motion that the Committee report Progress.

MR. BIGGAR said, he would withdraw his Motion for reporting Progress, in order to give the hon. Member for Cork an opportunity of addressing the Committee.

Motion, by leave, *withdrawn*.

MR. RONAYNE then continued: He opposed the clause as a piece of class legislation, which was not so apparent at first sight, because it was difficult for Englishmen to realize the relations of grand jurors to occupying tenants in Ireland. He knew many cases in which the proposed clause would inflict the greatest hardship, and should cordially support the Amendment of the hon. Member for Roscommon. That was the perpetuation of a system which had been the cause of keeping the two countries asunder, and which might eventually terminate in their severance.

CAPTAIN NOLAN argued that the amount paid for compensation ought to be levied upon the poor rates rather than upon the county cess.

MR. BUTT hoped the right hon. Gentleman would modify the clause, for as

it now stood its provisions were most objectionable. Compensation could be claimed not only for agrarian murders but for every other class of illegal combination. That was opposed to the principles of the old law of England, and should not, under present circumstances, be applied to Ireland.

MR. BIGGAR also asked the right hon. Gentleman if he would modify the clause, so as to take the charge proposed by the Bill in cases of agrarian outrages off the county cess, which fell on the occupiers, and place it on the landowners.

SIR MICHAEL HICKS - BEACH said, he was not prepared to adopt any such course. The charge had been placed on the county cess, and upon the occupiers who paid that cess, for good and sufficient reasons. The owner might not be resident and might not be acquainted with the facts, but the occupiers must have a guilty knowledge if anyone had. Beyond that, there was a precedent for the course proposed in certain sections of the Irish Land Act which had been unanimously agreed to.

CAPTAIN NOLAN said, the theory of the House was that the compensation should be paid, half by the landlord and half by the occupier. In practice the whole fell upon the occupier.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 240; Noes 79: Majority 161.

CAPTAIN NOLAN said, the next Amendment stood in his name; but at that late hour (10 minutes to 1) he hoped the Government would not proceed farther with the Bill. He would, therefore, move to report Progress.

SIR MICHAEL HICKS - BEACH assented.

Motion agreed to.

Committee report Progress; to sit again upon *Thursday*.

NATIONAL DEBT ACTS.

COMMITTEE.

Acts considered in Committee.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER, in moving—

"That it is expedient to amend the Acts relating to the National Debt, and to make fur-

Mr. Butt

ther provision for the Reduction of the said Debt."

said, the Bill he proposed to introduce was mainly for the purpose which he described in his Financial Statement—namely, to appropriate a fixed sum yearly towards the reduction of the Debt. There would, however, be another provision which he had not yet mentioned. It was in conformity with a recommendation of the Public Accounts Committee, which sat some years ago and had reference to the existing Sinking Fund. The payments in connection with this fund were at present made quarterly, and were of a very irregular character, and what he proposed was that the ascertained surplus upon any one year should be paid over in one sum in the course of the year following. The right hon. Gentleman concluded by moving the Resolution.

Motion agreed to.

Resolved, That it is expedient to amend the Acts relating to the National Debt, and to make further provision for the Reduction of the said Debt.

Resolution to be reported *To-morrow*.

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, 27th April, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Chimney Sweepers* (71); Consolidated Fund (£15,000,000)*; International Copyright* (73).

Committee—Justices of the Peace Qualification (5-72).

CLERK OF THE PARLIAMENTS.

THE LORD CHANCELLOR informed the House, That Her Majesty had been pleased to appoint, by Her Letters Patent dated the 27th day of this instant April, Sir William Rose, K.C.B., Clerk Assistant of the Parliaments, to the office of Clerk of the Parliaments, vacant by the resignation of Sir John George Shaw Lefevre, K.C.B., the late Clerk of the Parliaments: Patent read, and the said Sir William Rose then made the prescribed Declaration (which Declaration is set down in the Roll amongst the oaths of the great officers), and took his seat at the Table.

CLERK ASSISTANT.

THE LORD CHANCELLOR acquainted the House, That by virtue of the power granted to him as Lord Chancellor, by the statute 5th Geo. IV. cap. 82. sect. 4., he had appointed Ralph Disraeli, esquire, to be their Lordships Clerk Assistant in the room of Sir William Rose, K.C.B., appointed Clerk of the Parliaments.

Then it was *moved*, That this House do approve of the appointment of Ralph Disraeli, esquire, as their Lordships Clerk Assistant in the room of Sir William Rose, K.C.B., appointed Clerk of the Parliaments.

On Question, *resolved in the affirmative.*

JUSTICES OF THE PEACE QUALIFICATION BILL—(Nos. 5-72.)

(*The Earl of Albemarle.*)

COMMITTEE.

House in Committee (according to Order.)

THE EARL OF FEVERSHAM said, that this Bill, if passed, would put into the hands of the Lord Lieutenants more power than they at present possessed, and that power they would be able to use for Party purposes. Their Lordships had previously rejected Bills dealing with this subject, and no new arguments had been adduced in favour of the present Bill. The present qualification was not more easily attainable than at any previous time, and, therefore, he hoped the Bill would be rejected.

THE LORD CHANCELLOR pointed out that their Lordships had already admitted the principle of the Bill by reading it a second time.

THE EARL OF ALBEMARLE moved, to leave out Clause 1. and insert the following clause:—

“Notwithstanding the said Act or anything therein contained, every person of full age and who has during the two years immediately preceding his appointment been the occupier of lands or tenements within any county, riding, or division in England or Wales of the rateable value of not less than two hundred pounds, and shall during that time have been rated to all rates (if any) made for the relief of the poor in respect of the said premises, and who is otherwise eligible, shall be deemed to be qualified to be appointed a justice of the peace for such county, riding, or division.”

THE LORD CHANCELLOR suggested that, instead of the clause proposed by the noble Earl, the following clause should be inserted:—

“Notwithstanding the said Act or anything therein contained, every person of full age and who has during the two years immediately preceding his appointment been the occupier of a dwelling-house assessed to the inhabited house duty at the value of not less than one hundred pounds within any county, riding, or division in England and Wales, and shall during that time have been rated to all rates and taxes in respect of the said premises, and who is otherwise eligible, shall be deemed to be qualified to be appointed a justice of the peace for such county, riding, or division.”

THE EARL OF ALBEMARLE agreed to the clause thus amended.

Clause *struck out.*

Original Amendment *withdrawn.*

Clause *agreed to*, and added to the Bill.

Other Amendments made; the Report thereof to be received on *Thursday* next; and Bill to be *printed*, as amended. (No. 72.)

CHIMNEY SWEEPERS BILL [H.L.]

A Bill for further amending the Law relating to Chimney Sweepers—Was *presented* by The Earl of SHAFTESBURY; read 1st. (No. 71.)

House adjourned at a quarter before Six o'clock, to *Thursday* next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 27th April, 1875.

MINUTES.]—PUBLIC BILL—*First Reading*—Waste Lands (Ireland) * [141].

INLAND REVENUE—WINE LICENCES TO BEER-HOUSE KEEPERS.

QUESTION.

MR. CAWLEY asked Mr. Chancellor of the Exchequer, Whether he has considered the representations which were made to him by a deputation from the Beer-house Keepers in reference to the extra charge to which they are subject for Licences to sell Wines as compared with the amount paid by the Keepers of Public Houses; and, whether he is prepared to make any and, if so, what alterations for their relief?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have communicated with the Board of Inland Reve-

nue on the subject, and have received a Report from them, from which I gather that, so far as Revenue is concerned, the question is one of so very little consequence that I shall be quite prepared to accede to the representations made by the hon. Gentleman; but the question is one which really bears more upon the arrangements made by the Home Office as to the licensing those houses than on the money question. I have handed the Correspondence to the Home Secretary, to whom I must refer my hon. Friend.

NAVY—SHIPPING AGENTS.

QUESTION.

MR. BATES asked the First Lord of the Admiralty, What sum is paid annually to the shipping agents for engaging freight of Government stores; and, whether the work could not be as well done, and at less cost, by the Transport Department?

MR. HUNT, in reply, said, the average annual amount paid to the shipping agents was a little over £1,800. With regard to the other question the matter was under consideration, but no final determination had been arrived at.

THE ARCTIC EXPEDITION—THE SCIENTIFIC OFFICERS.—QUESTION.

MR. W. PRICE asked the First Lord of the Admiralty, If he will inform the House what scientific gentlemen have been selected to accompany the Arctic Expedition; what branches of science they respectively represent; whether any one accompanying the expedition is a competent geologist; and, whether the two persons in Holy Orders appointed to the expedition in the capacity of Chaplains are Chaplains holding Commissions in the Royal Navy, and whether they possess and have been selected as possessing any scientific attainments?

MR. HUNT, in reply, said, the appointment of scientific officers to the Expedition devolved upon the Royal Society. They had selected two gentlemen; Captain Feilden, who was skilled in zoology, and Mr. Hart, who was skilled in botany. Several officers of the Expedition had a fair knowledge of geology, and two had a special acquaintance with it—namely, two medical officers of the Expedition. The Chaplains had not been selected in consequence of their

possessing any scientific attainments. One of them had held a commission in the Royal Navy, and the other had been specially appointed to this Expedition.

LAW AND JUSTICE—STIPENDIARY MAGISTRATES—QUESTIONS.

MR. BIGGAR asked the Chief Secretary for Ireland, To state the total number of stipendiary magistrates in Ireland and the number of them who are not members of the legal profession; and also asked the Secretary of State for the Home Department, to state the total number of stipendiary justices of the peace in England and Wales, and the number of them who are not members of the legal profession?

SIR HENRY SELWIN-IBBETSON, in reply, said, the number in England and Wales was 18, of whom 12 were appointed under the Municipal Corporations Act, two under the Stipendiary Magistrates Act, and four under local Acts. In all cases a stipendiary magistrate was required to be, on his appointment, a barrister of five years' standing; and if the stipendiary appointed a deputy, he must be a barrister of seven years' standing.

SIR MICHAEL HICKS-BEACH said, that similar information with respect to Ireland previous to the year 1872 was contained in a Return which had been presented to the House. The stipendiary magistrates appointed since that date were very few in number, and if the hon. Member would move for a continuation of that Return it should be given.

HOUSE OF COMMONS—FILTRATION OF AIR.—QUESTION.

MR. CAWLEY asked the First Commissioner of Works, Whether there is any objection to the adoption of the plan for the filtration of the air introduced into this House by passing it through cotton wools, which has been proved by experiment to be effectual for the removal of dust and other matters floating in the atmosphere, and whether he can state what would be the cost of such filtration?

LORD HENRY LENNOX, in reply, said, he understood that the experiments made by Dr. Percy of filter-

ing air through cotton wool had been attended with very great success, and there would be no objection to apply the system to both Houses of Parliament if it were thought necessary. Meanwhile, he would remind the hon. Gentleman that the air supplied to that House was filtered through the finest cambric, which had almost the effect of the cotton wool. The cost of adopting the cotton wool plan would be a first outlay of about £200, with an annual charge for labour and material of from £50 to £100.

**METROPOLIS—THE REGENT'S PARK
EXPLOSION—MACCLESFIELD BRIDGE.**

QUESTION.

MR. M. BROOKS asked the first Commissioner of Works, Whether he is aware that Macclesfield Bridge and the fence along a large portion of the Regent's Canal which were destroyed by the explosion of gunpowder in October 1874 have not been rebuilt; that children may frequently be found playing on the bank at this portion of the Canal; that a child of ten years of age recently fell into the Canal and was drowned; and that great inconvenience is experienced by people entering the Park in carriages, as they must now enter at Gloucester Gate or at the entrance at Park Road; and, whether he proposes to order the reconstruction of this Bridge and the repair of the fence of the Canal?

LORD HENRY LENNOX, in reply, said, that he had very little to add to the Answer he gave in the early part of the Session to the hon. Member for Marylebone. He certainly was not aware that children were in the habit of playing on the banks of the canal, and he did not know of the calamity to which the hon. Gentleman referred until he called attention to it. With regard to the inconvenience which persons riding in carriages felt in entering the Park, in consequence of the state of the approach to it, he might remind the hon. Gentleman that, even after the new bridge would be built, nine or ten months must elapse before the necessary accommodation could be made available. With regard to the broken-down fences to which the hon. Gentleman called his attention, he would give directions to have new fences put up. As he then stated, the delay had arisen from certain

legal proceedings which were about to take place.

**ASSAM—MURDER OF LIEUTENANT
HOLCOMBE.—QUESTION.**

MR. PATESHALL asked the Under Secretary of State for India, If the Government has received any definite information respecting the fate of Lieutenant Holcombe, who recently was murdered, with eighty other British subjects, by the Naga Hill Tribes, on the frontiers of Assam, while engaged on an exploring survey?

LORD GEORGE HAMILTON: Yes, Sir, we have received definite information confirming the news of the murder of Lieutenant Holcombe and 80 British subjects, by a very treacherous attack made upon them by the Nagas on the 2nd of February, 1875. Captain Badgeley, who was with him, and was wounded, gives an account of the attack, from which the following is an extract:—

"About sunrise there were a number of Nagas in camp. Sitting in my tent, I heard one of the head-men say to Lieutenant Holcombe, 'The village head-man is there, but is afraid of the gun.' Lieutenant Holcombe took the rifle from the sentry and gave it to the Naga, who then began to dance and laugh with the rifle on his left shoulder. One of the young men near Lieutenant Holcombe felled him with a blow from behind on the side of the head, and there was a yell raised all through the camp."

Captain Badgeley then describes his escape, due to his falling over a stump; and he goes on to say—

"When I got to my feet again, the Nagas had disappeared and a wall was rising from the camp. Running to where Lieutenant Holcombe lay, I found him with two crossed cuts on the right side of the head. A minute of treachery has cost us the lives of 80 men, and of a fine and kind-hearted young officer."

Lieutenant Holcombe was a most promising young officer, and his murder has deprived the Government of the services of one in whom they had great confidence and reliance. An expedition was despatched at once against the Nagas, and we have received the following telegram from India:—"Naga expedition returned. Heavy punishment inflicted on Nagas. No casualties."

**THE WRECK REGISTER—WRECKS ON
THE SOUTH COAST.—QUESTION.**

SIR EDWARD WATKIN asked the President of the Board of Trade, Whether it is the fact that, within the six

miles of coast line between Romney and Dungenness, there are now to be seen, at low-water, twenty three wrecks of ships, some of which are in positions dangerous to navigation; and, whether measures will be taken to remove such wrecks; if at least twenty vessels are not stranded on this part of the coast every year; and, if he will lay before Parliament a Return showing the losses of ships and lives in the area named since the sitting of the Committee on Wrecked Ships in 1844?

SIR CHARLES ADDERLEY: Sir, the divisional officer of Coast Guard reports to me that 20 (and not 23) wrecks are to be seen at low water within the portion of coast named in the hon. Member's Question, three of which have been marked by the Trinity House by wreck-buoys. As the Trinity House have not marked the others, nor made any application to the Board of Trade for the removal of them, I conclude that they are not in such positions as to be dangerous to navigation. The average annual number of vessels reported to the Board of Trade as having been stranded on this part of the coast during the last 10 years is six, and not 20, as stated in the hon. Member's Question. As to the Return to which the hon. Member refers, I have to state that from 1844 to 1854 there was no wreck register kept at the Board of Trade, and that from 1855 to 1865 each year's register would have to be carefully searched, which would take some time; but, if the hon. Member chooses to move for the information subsequent to the last-mentioned date, the Return can be given.

NAVY—H.M.S. "DEVASTATION."

QUESTION.

MR. GOSCHEN wished to know, Whether the First Lord of the Admiralty has received any information as to the behaviour of the "Devastation" in her recent voyage?

MR. HUNT: I am not able, Sir, to say anything about the behaviour of the ship; but on the 23rd instant we received advices from Lisbon announcing that the *Devastation* and the *Hercules* arrived at Lisbon all well, and that they were to leave for Gibraltar on Sunday. We have since received a telegram from Gibraltar announcing the arrival of the ships, but with no particulars.

Sir Edward Watkin

PARLIAMENT — COMMENCEMENT OF PUBLIC BUSINESS—QUESTION.

MR. HORSMAN said, he wished to make a suggestion to the Prime Minister on the subject of Public Business. All those who were in the habit of coming down to Prayers would confirm him when he said that from 4 o'clock until half-past there was no Private Business, and half an hour was therefore lost. He would therefore ask the Prime Minister, Whether he might not make an arrangement, with the universal assent of the House, whereby Public Business might commence a quarter of an hour earlier?

MR. DISRAELI: Sir, so far as the Government are concerned, it would be for their convenience to meet at the earliest time for Business. I should therefore be happy to avail myself of the suggestion of the right hon. Gentleman if it should meet with the general concurrence of the House. I should always wish to trench as little as possible upon the privileges of private Members; but if, as I may infer, the arrangement meets with, I will not say unanimous, but with general assent, I will, with your permission, Sir, propose that the House shall meet for Public Business in future at a quarter-past, instead of half-past 4.

PARLIAMENT—PUBLIC BUSINESS—THE BUDGET RESOLUTIONS.

QUESTION.

MR. CHILDERS said, that as the Budget was introduced at the end of the evening, he wished to ask Mr. Chancellor of the Exchequer, Whether he could not arrange for the debate on the Budget Resolutions to be taken as the first and not as the second Order of the Day? It now stood the second Order of the Day for next Thursday.

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he did not anticipate that the Budget debate could possibly be taken on Thursday, and he would therefore propose to fix it as the First Order of the Day on Monday next.

PARLIAMENT — STRANGERS ORDERED TO WITHDRAW.

MR. BIGGAR called to the Notice of Mr. SPEAKER that there were Strangers present.

MR. SPEAKER: Do I understand the hon. Member to take notice of the presence of Strangers in the House?

MR. BIGGAR: I do, Sir.

MR. SPEAKER: That being so, I must order Strangers to withdraw.

The following is stated, upon sufficient authority, to be a correct Minute of what took place during the exclusion of the Reporters.

MR. DISRAELI, who spoke amid great excitement, said—Mr. Speaker, I regret very much that notice has been taken of the presence of Strangers in this House. There may be occasions on which it is proper to enforce the Rule excluding Strangers, but this should not be to gratify the caprice of a single Member. I think the course pursued by the hon. Gentleman tends to the discredit of this House, and that if such proceedings are resorted to the country will cease to believe that this House is what—notwithstanding there may be exceptions—I believe it to be, an Assembly of English gentlemen. It has always held, and whatever may be the political changes within it, I am sure it always will retain that character. Therefore, Sir, in order to foil the attempt of the hon. Gentleman—an attempt which I must describe as discreditable—I shall move that the Standing Order of the House excluding Strangers be suspended during the present Sitting. [*Cheers.*]

Moved, "That the Rule for the Exclusion of Strangers be suspended during the present Sitting of the House."—(*Mr. Disraeli.*)

THE MARQUESS OF HARTINGTON: I rise to second the Motion. Although I regret that some arrangement was not arrived at two years ago when the matter was brought before the House by my right hon. Friend the late Chancellor of the Exchequer (Mr. Lowe), I concur so entirely with the remarks of the right hon. Gentleman, and all the reasons which justify the exclusion of Strangers are so manifestly absent from this occasion, that I hope the House will at once agree to the suspension of the Standing Order. [*Cheers.*]

MR. NEWDEGATE: Having served on the Committee which considered this question 10 years ago, and having, as an old Member of this House, never seen this Order enforced without some real or

apparent justification, I call upon the hon. Member for Cavan to declare whether he can assign any sufficient cause for this extraordinary and discreditable proceeding. ["Hear, hear!"]

MR. BIGGAR said, that what he had done he had done in consequence of the unsatisfactory position in which the members of the Press stood in relation to the House. He complained that sufficient attention had not been paid to the question brought forward by his hon. Friend the Member for Louth (Mr. Sullivan), and though the noble Marquess (the Marquess of Hartington) had given Notice of Resolutions, the Prime Minister had made no sign. This being so, and until some sufficient remedy for this anomalous state of things was proposed, he would every day exercise the privilege he had exercised that evening.

MR. DODSON suggested that in consequence of the declared intention of the hon. Member for Cavan to repeat his present proceeding every Sitting the Standing Order with respect to the presence of Strangers should be suspended "until further notice."

It was understood that several hon. Members from Ireland rose and repudiated all knowledge of, or concurrence in, the proceeding of the hon. Member for Cavan.

Question put, and agreed to.

Resolved, That the Rule for the Exclusion of Strangers be suspended during the present Sitting of the House.—(*Mr. Disraeli.*)

After the lapse of about 20 minutes Strangers were re-admitted.

EXPORT OF HORSES—DETERIORATION OF THE BREED.—RESOLUTION.

MR. CHAPLIN rose to call attention to the Report of the Select Committee of the House of Lords in 1873 on Horses, and to move—

"That this House views with apprehension the large and continued export of the best and soundest stud horses and brood mares for general purposes from this Country, and wishes to direct the attention of Her Majesty's Government to the national importance of taking such steps as may be desirable to prevent the deterioration of the stock which remains."

The hon. Member said that seldom, if ever, he apprehended, in the annals of

that House had there been taken a course more uncalled for, more unwarrantable, or more offensive to the House than that which had been adopted by the hon. Member for Cavan, who appeared to forget that he was now admitted into an Assembly of Gentlemen. However that might be, he was proportionately grateful to the House for the decision at which they had arrived in rejecting the Motion of the hon. Member; and there was no man in the House, and, he believed, no man in the country, who would not re-echo the eloquent and indignant protest which the right hon. Gentleman at the head of Her Majesty's Government had uttered against that Motion. Having said this, he trusted the House would regard the importance of the subject he was about to submit to its notice as a sufficient apology for his intruding it upon their attention. It seemed to him that the question of the supply of horses in this country—and by that he meant the supply of horses bred and produced in the United Kingdom—was a question of very great interest, not only to himself and to many other Members of that House, as well as to an immense number of persons out of the House, but that it was, in addition to that, a subject which engaged the attention of the country at that moment, and one which deeply concerned the interests of the nation at large. Under those circumstances, he would endeavour to state, as briefly as he could, the reasons which had led him to place his Notice on the Paper; and if he were compelled to trespass somewhat severely on the patience of hon. Members, he should rely upon the indulgence and kindness on the part of the House which it had been his good fortune to experience upon more than one occasion. Whatever might be the cause—whether it was owing to the advantages of climate and of soil which we undoubtedly possessed in this country, or to the almost instinctive love and knowledge of the animal which appeared to be indigenous to the character of Englishmen, or whether it was owing to the enormous amount of care, pains, and attention bestowed upon its production in its most perfect form—one thing was perfectly certain, that this country had enjoyed for a very considerable period all the advantages which were to be derived from the possession of horses,

Mr. Chaplain

and of a breed of those horses which had hitherto been unrivalled in any part of the world. Now, there might be a difference of opinion as to how this result had been first brought about; and he attributed to the practice of horse-racing and to the institution of the Turf as it had been conducted in this country, in the first instance, at all events—and he said in the first instance, because he believed that racing, as conducted in the past, conducted more to the general welfare of our horses than it did in the present—in no small or inconsiderable degree, the unquestioned superiority of our own horses over those of any other nation in the world. That was not the time, nor was he there to defend that institution. Racing was, on the whole, he was happy to say, in a tolerably flourishing condition, and was well able to take care of itself, although some persons constantly decried and attempted to run down the Turf. There were some things in connection with the Turf which he should gladly see altered. But, although he did not despair of seeing reforms carried out in connection with it, hon. Members should remember that it was beyond all question and doubt that it was the Turf which had mainly, if not entirely, promoted, stimulated, and encouraged the breeding of thoroughbred horses in Great Britain, and through them had benefited and improved every class of horse in the United Kingdom to such an extent that they had not only been sought for generally, but had become the admiration and the envy of the inhabitants of every quarter of the globe. That was a circumstance of which every Englishman ought justly to feel proud. He could not, however, look forward without a feeling of apprehension to a similar state of things in the future. Had there not been a well-grounded alarm in the minds of a number of persons who were competent to form an opinion on the subject that the country was losing the best of its breeding stock for general purposes, his Motion would never have been placed upon the Paper. They must not shut their eyes to the fact that an immense proportion of our best stallions and of our brood mares were being taken out of the country, and that, in the opinion of those people to whom he had referred, many of the horses which were bred in the country in these days were generally

inferior in quality, and probably also deficient in quantity, too, as compared with what was the case some few years ago. If those views were correct—and he could show that they had at least a great deal of foundation—he said it was a question that was worthy of the serious attention of Parliament and of the country. The House would remember that public attention was first prominently called to this question a few Sessions since by a noble Lord in “another place” (Lord Rosebery), and the result was that a Committee was appointed to “Inquire into the condition of this country with regard to horses, and its capabilities of supplying any present or future demand for them.” That Committee enjoyed special advantages for discharging the task which was imposed upon it. Noble Lords sat on that Committee, who, by their judgment and special experience, were peculiarly capable of dealing with the question. The *Heir Apparent* to the Throne, who was one of its Members, displayed that sympathy with its objects which he invariably manifested in every subject that possessed considerable interest for any portion of the people of this country; and they had in addition as their President one who combined with a thorough knowledge of the subject distinguished ability and all the ardour and generous ambition of a youthful politician, which was not to be daunted by the difficulties incident to a question of this nature. The House could not have forgotten the very great interest that was manifested in the proceedings of that Committee at the time; and it was not too much to say that its appointment created a perfect flutter of excitement and anticipation in the minds of all the horse-loving portion of the community. It was hoped that its inquiries would result in the question being dealt with in a determined and vigorous manner. Those anticipations had been realized to this extent—that a vast amount of valuable and instructive evidence, which the House would do well to consider carefully, bearing upon the whole question, was laid before the Committee, and to some portions of which he would presently refer. At the same time, he was bound to confess that when the Report of that Committee appeared, it gave rise to widespread and general feelings of disappointment, from the conspicuous

absence of any substantial recommendations, beyond two or three trifling suggestions as to how to deal with the acknowledged evils which it had been expected the Committee would have grappled and dealt with in an effectual manner. So far as their collection of evidence went, he thought that the labours of that Committee had been of the utmost value; but, so far as any proposals on their part as effectual remedies went, he must say he thought they had been singularly barren indeed. It was under these circumstances that he had ventured once more to bring this subject under the notice of Parliament. Now, there were three considerations in particular in connection with this question, which were all more or less dealt with in the evidence which had been taken before the Committee, to which he was anxious to direct the attention of hon. Members, because it was upon them that the decision at which they arrived on this subject must depend. He would ask the House then to consider, in the first place, the present condition of our horse supply in this country, both as regarded its quantity and its quality. In the second place, he would like to refer to the startling evidence given as to the great exportation of the best of our breeding stock which had taken place, and was still taking place, from these shores, and the consequent dearth of good and the great prevalence of inferior animals of that description, which remained in the country; and, thirdly, he would point out such remedies as had been suggested, and which might be applied with advantage to the scarcity and deterioration which was alleged by many, and to the great exportation which was denied by none. With respect to the first of these points, he admitted that when they came to consider the question of whether the number of horses now bred was greater or less than formerly, in the absence of any reliable statistics they had no absolute grounds upon which they could prove any assertion whatever. But, nevertheless, from all he had seen, heard, and read, he was of opinion that we had fallen off in that respect to a very considerable degree. He did not agree with all he had heard; but he still thought there were reasons for that falling off. He would, in the first place, say that he did not think any falling off was to be accounted for by

reason of the superior attractions offered for the breeding of cattle rather than horses, owing to the high prices of beef and mutton. The breeding of horses in England had always formed a merely incidental occupation for the farmer, who had never devoted his exclusive attention to the breeding of horses. In former days there was scarcely a farmer throughout the country who did not possess, for some purpose or other in connection with the business of his farm, one or two mares of an excellent stamp, and adapted to breed a good foal; and, under more favourable circumstances than existed at present, with a good horse almost always close at his door, they invariably did so, with profit to the farmer, with advantage to the public, and with a loss and interruption to their work—so small as to be almost surprising. And what he was anxious to impress upon the House was this—that it had been through the general practice of breeding one or two foals every year, on the part of an immense number of individuals, which went to make up the aggregate of our horse supply, and that it was the easiest thing in the world to encourage this practice immensely or to extinguish it altogether. There was no great inducement to carry on that breeding with a view to profit; but, as a general rule, farmers liked the idea of breeding one or two horses, and it was an agreeable kind of speculation which could result in no very great loss, and might chance to bring a small fortune. Having had some considerable experience himself in the subject, he was convinced that it was in the power of the House of Commons at that moment, by means of the most trifling efforts, and by giving a very small amount of encouragement, to increase immensely that practice and that taste on the part of the farmers of Great Britain, upon which, after all was said and done, the horse supply of this country, for whatever purpose it might be required, and especially in the event of any foreign emergency, must in the long run more or less mainly depend. In order that the practice might be successful there were two essential conditions which must be maintained. The farmers must have a regular and ready market for their produce, and they must have facilities for obtaining the use of sound sires at comparatively little trouble and ex-

pense. They enjoyed the first at the present moment, it was true, owing to the great increase in the price of horses; but it was because the second condition was almost invariably wanting—because they no longer enjoyed the services of the excellent class of horses they were formerly able to get, because in nine cases out of ten those horses had been taken away to other countries—because the farmers were far too good judges to use the worthless brutes that were left—that, instead of continuing to breed, they had sold their mares to the foreigners who were always ready and anxious to buy them and to give a good price for them; that the practice of breeding horses in England had been growing of late years more and more into disfavour, and in some districts, he was sorry to say, had ceased altogether. The House would perceive that he was clearly convinced there had been a diminution in the supply, and that he was equally satisfied as to the causes of that diminution. But whether he was right or wrong in that respect—and he did not wish to assume the least infallibility—there was one thing, at all events, in which he thought they would all be agreed—namely, that we had at this moment to encounter a greatly increased demand and that our supply was in no way adequate to meet that demand. The real question, therefore, they had to consider was not so much whether the breeding of horses throughout the country to-day was more or less than it used to be, but by what practical means they might be able to encourage and to increase that supply so as to place it, in relation to the demand, on a permanently satisfactory footing. Recent Returns seemed to show that an improvement in this respect had commenced. In the Agricultural Returns which had lately been made, he found the following passage:—

“The number of horses returned by occupiers of land in Great Britain was larger in 1874 than in 1873 by 35,000, the increase being chiefly in the class of mares for breeding and unbroken horses. The number of horses of these descriptions, and which form the chief part of the addition annually made to the general stock of horses in this country, has advanced from 301,000 in 1870, to 367,000 in 1874, showing an increase in five years of 66,000, or at the rate of nearly 22 per cent. A large part of this increase occurred in the last two years, and to a greater extent in 1874 than in 1873, showing that high prices have had the natural effect of encouraging the breeding of a greater number of horses.”

This apparent increase in the number of horses was undoubtedly owing, in part, to an increase in the practice of making returns, which he found, on making inquiries, had been by no means universal. But, after making every allowance for that circumstance, he gladly admitted that this was intelligence of a cheering description, and he fully believed that so long as the present prices continued to prevail, there would continue to be an improvement, so far as numbers went, even if the whole matter was left, as an hon. Member (Mr. A. Brown) intended to propose it should be, to the ordinary operation of the laws of supply and demand. But the scarcity complained of was only one part, and to his mind by no means the most difficult or most important part of the question with which they had to deal. He ventured to say that it was of vital importance to this country to maintain the standard of excellence, as well as the standard of numbers, for which the horses of England had hitherto always been famous, and which, he thought, to a certain extent, the hon. Member appeared to lose sight of. Here again it was not in his power to offer any proof or make any positive assertion. The question whether our horses were worse or better at this moment than formerly was and always must be a matter of opinion. They could, each of them, only be guided by the experience which they possessed. There were, no doubt, many persons who would agree with him in the opinion that the proportion of good horses in this country to-day as compared with the bad ones was nothing like what it used to be, and that, as a general rule, they had deteriorated to a degree which was positively alarming. Then, again, he supposed there were others—among whom he must include his hon. Friend the Member for Dorset (Mr. Sturt)—who would declare that the horses had never been better; that they were to be had in abundance, and that it was merely a question of paying a proper price. He could only say that he hoped his hon. Friend when he next had occasion to go into the market would not find himself disappointed. There were always some men to be found of that happy and amiable frame of mind whose geese were invariably swans, and who, directly they got anything for themselves, invested it with every possible attribute of excellence under the

sun. This description, however, would not, of course, apply to his hon. Friend, whose modesty, disposition, and character were so universally known; but, supposing for a moment that his hon. Friend was quite right and that he (Mr. Chaplin) was totally wrong—which was exactly reversing the real state of the case—it only proved to his satisfaction the terrible and irreparable loss the country had sustained in getting rid of the sires and dams which had bred the excellent animals of which his hon. Friend was so justly proud. This brought him to a part of his subject on which he hoped to be able to afford some information which might be new to many hon. Members of the House. He had carefully waded through the whole of the evidence given with regard to it before the Committee of the House of Lords, and he could come to no other conclusion than this—that if it was worth the paper on which it was printed two facts of the utmost importance were established by it and placed beyond doubt. It showed in the first place, that we had been losing for years, and were still losing, an enormous proportion of the best of our breeding stock for general purposes; and, secondly, it showed that those which remained in the country were of the most inferior quality only. Now, he wished it to be distinctly understood that in making these observations he was alluding in no way whatever to the highest description and class of those bred stock, or of stallions, which varied, in the price paid for the use of them, from 10 to 100 guineas. Owing to racing and to the market which racing created for their produce, private enterprize was still enabled in this country to compete even with foreign Governments for their possession. His remarks were wholly directed to animals of another description—animals which, although they might not possess all the qualifications which were requisite when the higher class of racing horses was wanted, were not a whit less valuable, but perhaps more valuable on that account for general purposes, and for the purposes for which foreign Governments desired to possess them, and which, according to his own experience, and according to the evidence contained in that Blue Book, had of late years been taken out of this country by wholesale. Persons might ask how it was that, with an increased and a still

more increasing demand for horses in England, this description of animal did not remain in the country. The breeding of horses, however, and everything connected with that occupation, had hitherto always in England been left to unaided private enterprize; and so long as private enterprize had nothing to contend with abroad it answered remarkably well. But of late years the Governments of foreign countries had become keenly alive to the fact that it was of great advantage to a country to have good breeds of horses, and they were doing all they could to make up for deficiencies in this respect. From Hungary, Austria, Italy, France, and Germany, agents had been sent to England, and also to Ireland, whose business it was to be always on the look out for good horses, and who bought with excellent judgment—quite as good as our own—and with a most careful discrimination in rejecting anything in the slightest degree unsound. Their commissions were practically unlimited, and their instructions were never to miss anything of the right sort. They therefore scoured the country in every direction, and bought up the finest country sires they could get, at prices with which it was impossible for private enterprize to compete. Indeed, it was no uncommon thing for such horses to be bought for £4,000 or £5,000. In one case he remembered £6,000 was paid. He might refer in illustration of that point to a case in which he was himself concerned on the part of a noble Lord whose name was never mentioned in that House without a feeling of deep respect—he alluded to the late Speaker, Lord Ossington. It would be in the recollection of many Gentlemen present that some three or four years ago there was a sale of some of the most celebrated thoroughbred stock in the Kingdom, forming the stud of that most eminent breeder of horses, the late Mr. Blenkiron, a most patriotic Englishman. In that stud there were two horses descended from a breed the most famous that we possessed, and each of them conspicuous for the merits which distinguished it. One of them was Blair Athol, the best horse in the world, and priceless as a sire for the Turf, and the other was his own brother Breadalbane, of no less value as a stud horse, though greatly inferior to his brother as a racer. It might not be gene-

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rally known that the late lamented Lord to whom he had alluded combined with those other admirable qualities which they had recognized so long in that House all the instincts of a sportsman and a knowledge and a love of horses second to none. Recognizing the unusual merits of those horses, the noble Lord commissioned him (Mr. Chaplin) to attend the sale, and offer for one of them a price which, considering that he wanted a horse for the service of his tenants and neighbours in the county of Nottingham, was liberal in the extreme. What was the result? Owing to the exertions of a patriotic body of English gentlemen, who, at the last moment, formed themselves into a company, of whom the hon. Member for Scarborough (Sir Charles Legard) was one, Blair Athol was bought, and kept in this country, for the sum of £12,000, the Prussian agent having actually offered £11,500 for him. Breadalbane fetched £6,000—three times the liberal sum he was commissioned by Lord Ossington to give for him—and was bought by a foreign agent. That was a simple explanation of the reason why such horses did not remain in this country. They were bought up at prices against which private enterprize could not compete and taken out of this country. He would lay before the House some particulars as to the manner in which those studs were managed in foreign countries, and more especially as to the system adopted in Germany, for his information about which he was greatly indebted to the Ambassador, and he took that opportunity of expressing his sense of the kindness and courtesy he had received from his Excellency. He found that in the Austrian, in the Italian, and in the French studs there were something like 5,000 stallions altogether, and they were distributed in this way. In Italy there were 350; in France there were 1,500 at this moment, which were to be raised at the rate of 200 a-year until they reached a total of 2,500; in Austria and Hungary combined there were 3,400; and all those horses were kept at establishments which were maintained in order to improve the breed by the respective Governments of those countries. Again, in Prussia there were three principal breeding studs, which were originally intended for supplying the Royal stud. In addition there were 11 different dépôts, con-

taining about 1,450 stallions. From those depôts, at the proper season of the year, those horses were distributed in numbers varying from one to six, under the charge of Government servants; and they were located at 540 different stations throughout the country, where accommodation was usually provided for them by the landed proprietors, who took an interest in the matter. Now, the whole cost of maintaining these studs was £170,000 per annum, of which there was received back in fees for horses £70,000; and the annual results of those establishments was a produce of something like 50,000 foals, at a gross cost to the State of £100,000, or an average of £2 per head. Those were the results of that system, and they were surely worth our careful attention, especially when he pointed out that while the average charge for a German stallion was something like 10s., if we had a similar establishment in this country it would be seldom less than two guineas, which would bring in £280,000. It therefore followed that if we had an establishment equally well managed on the same scale, we should not only greatly improve the breed of our horses, but put £110,000 a-year into our pockets. He hoped that was a matter which would commend itself to the attention of the Chancellor of the Exchequer. But the most serious part of that question as affecting us was that all those 1,700 horses in Germany were of English extraction—that was to say, were bred either from English horses or English mares, and one-third of the whole had been imported straight from this country. Again, in regard to France, during the last 10 years for which he had any figures—namely, down to 1873—541 stallions had been taken out of this country, of which 150 still remained in their studs, and he believed also that a large proportion of the stallions in Italy were English horses. Now, out of 29 witnesses examined before the Committee, he found that 22 were agreed as to that great exportation, while only one differed from them in opinion; while, again, out of that number there were 19 or 20 who contended that the stallions which travelled the country were, as a general rule, worthless and bad, as against five who took a different view. He would not weary the House with the evidence of the witnesses; but he would quote that of three of their num-

ber, which was a perfectly fair sample of the whole. He would take one witness from England, one from Ireland, and one who could speak for the whole Kingdom. Mr. Phillips, the great Army contractor, who had very large experience, was asked by the Chairman—

“As regards the class of stallions generally, are the travelling stallions a good class?”—The foreigners buy away all the best from us, and they would not leave a good stallion in the country.” “Is it true that an enormous percentage of the travelling stallions are unsound?” “No doubt of it.”

The Marquess of AILESBUURY: Do you mean unsound from accident in training? No: hereditarily unsound, roasters and spavins and everything else.”

Mr. M'Grane, the great Irish dealer, stated that a good many of the stallions in Ireland were bad, and that there were a great many “roasters” in that country. Mr. Lumley Hodgson said there was a deterioration in the breeding stock in this country among mares as well as stallions. He attributed that deterioration to the best mares going abroad, and to the foreigners taking away the best and soundest stallions, adding that the farmers had only inferior stock to breed from them, and consequently they were tired of breeding. Well, if neither that evidence, nor the inferences to be deduced from it could be refuted, even those hon. Members who had put Amendments on the Paper would be compelled to admit that, whatever might be the state of our horse supply at that moment, we had a very deplorable prospect indeed to look forward to. That, then, was the case with which they had to deal. Perhaps he would be allowed to make one or two brief suggestions as to the mode of remedying that state of things. He thought they had two things to do—first, to encourage the practice of breeding as much as they could; and, secondly, to discourage the bad, and to devise some means of keeping the good, stallions in England, and dispersing them over the country. To prohibit exportation, or anything like it, according to his mind, would be out of the question. But there were two or three proposals which it appeared to him would be simple, feasible, and effectual. To discourage bad stallions, even without any undue interference with the liberty of individuals, was not very difficult. The Chancellor of the Exchequer only a short time ago took off the tax on horses, and it could not

be denied that he had a right, if he saw fit, to re-impose it. He (Mr. Chaplin) would impose a considerable tax on every stallion that covered in England for hire, to be remitted on every occasion where it fulfilled certain conditions of soundness which they ought to require. It might be said they had no machinery for such a purpose; but he could not believe, especially in these days of Inspectors, that it could not be created without any very serious difficulty that could not be surmounted. In order to retain the good horses in England, his next suggestion was that they might have Government depôts in England under the same system as that which had been so successful abroad, and here they had a machinery ready to their hand, for there were State establishments maintained in this country for the breeding of horses; and if the object of those establishments was, as it ought to be, to improve the national breed of horses in England, they might do infinitely more than was now done towards attaining that object, instead of producing a number of worthless yearlings, of which of late years they had seen too many at the paddocks of Hampton Court. No great amount of capital would be needed. There were not enough horses to be found in England. They were not at this moment to be found in numbers sufficient to justify the outlay of more than £5,000 or £6,000, or, at the utmost, £10,000 a-year. If once they were purchased, they would not only pay their own keep, but they would pay a very good interest into the bargain. Then as to their use, they might, at the proper season, be sent over the country, as in Prussia, under the charge of Government servants; or, if that were deemed undesirable, they might be let annually by auction in the same way as the Glasgow stud was at the present moment. That stud, which he had just visited, not only did enormous service to the country, but paid a considerable interest to its proprietors. If this project were not approved—although it was one to which, for his part, he was disposed to attach the highest importance—he thought some good might be effected by giving large prizes at agricultural shows, on a system which he would describe. He would give prizes for foals, yearlings, and two-year-old horses. The younger the stock the quicker would be the re-

turn, and consequently the inducement to the owners would be greater, and in every case of a winner he would have the prizes supplemented by one for the mare and stallion from which he was bred. In that way the owners would have considerable inducements held out to them to retain their mares in the country, and the best stallions—the test of whose excellence was not so much what they were themselves as the quality of the stock which they begot—would be the means of securing such a number of prizes as to become very valuable property, so that their owners would be disposed to refuse the large sums for them which they were accustomed to receive when they were bought by foreigners. He had now almost done, and he had to thank the House exceedingly for the kindness with which they listened to a somewhat more than ordinary long statement. He was well aware that in making the present proposal he was doing that which was opposed to the practices and prejudices of the British House of Commons; but he knew also that the question was a most exceptional one. Hostile Amendments, indeed, had been placed on the Paper, and yet placed there, he was confident, in no unfriendly spirit. To his hon. Friend the Member for Dorset he would venture to say that, however he might regard it, the subject was one of real importance, and one with which, sooner or later, the House would find itself compelled to deal. He would ask him was he aware that three-fourths of the horses which were working in our streets at the present moment had not come from abroad? Was he aware that since the Report of the Committee was published, the price of the omnibus horses had risen 5 per cent? Was his hon. Friend aware that Mr. Phillips, the great Army contractor, stated before the Committee of the other House, that in the event of any sudden emergency the British Army could not be horsed in this country? Was he aware, to use his own words, that this was not a question of money, but one of not having the animals? Was he aware that it had been announced on the authority of the Committee that the supply of horses was greatly deficient? And he (Mr. Chaplin) wanted to know what was the meaning of a deficient supply? It might mean, in the event of any sudden foreign emergency, that they might some fine morn-

ing find themselves, especially if the example of Prussia were followed by other nations of Europe—and they all knew how contagious example was—placed in a position of difficulty and danger which, for aught they knew, might end in disaster to the nation. It was true that they were now at peace, and he hoped they might long continue to remain so; but when they looked to the Continent, and saw what was going on around them, they as men of common sense, could not shut their eyes to the fact that peace at the present day meant, unhappily, but a long preparation for war. What, then, would be their condition, if called upon to act in any such emergency? Would his hon. Friend be prepared to horse the British Army? [Mr. STURT assented.] His hon. Friend was, he knew, a man who was equal to any occasion. He should like to know, however, where the horses were to be obtained. Not in England, nor, he believed, in Germany, because there the doors were closed against us. Neither was it in France, for France herself had been obliged to seek elsewhere for 10,000 horses which she required. His hon. Friend, unable to meet the objections which he had raised, was compelled to resort to an evasive Amendment, to which he hoped the House would not give its assent. The question was, as he had said before, one of enormous importance, and one which he must confess he had most sincerely at heart. It was not given to any man to command success; but if he were on the present occasion successful it would be to him a source of honest exultation. He, at all events, had the consolation of knowing that no efforts of his had been spared to denounce what he believed to be a blind and suicidal policy, which, if persisted in, must sooner or later result in their losing for ever in this country that famous breed of horses which, tracing its descent from the purest blood of Asia, had been brought by the judgment, skill, and enterprise of those who went before them well-nigh to perfection, and which not once, but many thousands of times, had proved its superiority and upheld the national renown in every country and in every clime in which the name of England and her horses had been known. The hon. Gentleman concluded by moving his Resolution.

COLONEL KINGSCOTE, in seconding the Motion, pointed out that the price of the animals mentioned in it, from those used to draw the carriages of Her Majesty to the donkey which the huckster drove about town, had of late years become greatly enhanced in price. It was true the Motion did not include donkeys; but it was, he believed, the fact that they had risen in value 50 per cent during the last five years. That was a question which affected them all. As to the breeding of horses, he feared there was no increase in that respect, for when information on the subject was first required from the farmers the returns were not made properly, so that no reliable argument could be based on the statistics which had been furnished. The better prices which the farmers could obtain for mutton and beef had, he believed, a great deal to do with the farmers not breeding horses to a great extent, and one of the great objects he had in view in seconding the Motion was, if possible, to induce the House and the Government to adopt some step which would enable the farmer to get quicker returns from that source. The evidence taken before the Committee, he might add, clearly showed that the supply was by no means commensurate with the demand, and the Government found that not only had they to pay an increased price for their re-mounts, but that they had to buy horses at a younger age. For several years past many of our best mares, for breeding purposes, had gone to Germany, where breeding was carried on with great pains. He had been lately speaking to dealers who had returned from Lincoln horse fair, and they had told him they could not buy a sufficient number to pay their expenses, and that two-thirds of the horses in the stables of London dealers came from Germany. France could only give us horses of the lowest quality, and therefore we were flung upon our own resources, and that was the question they ought now to meet. We had incontestable evidence that for many years past we had been losing our half-bred mares, and the question was, how to build them up again. If help was given it might be accomplished, and one of the remedies he would suggest would be that farmers should be helped as regarded stallions. There was no use in private enter-

prize trying to compete with foreign Governments in the purchase of our best stallions. He did not speak now of stallions to breed racehorses, but of those which were to produce half-bred stock. If prizes were given in the several districts for stallions and brood mares great encouragement would be afforded to private enterprize, and he would like to see those prizes come from the Government. We were now paying £3,300 a-year for Queen's Plates. When first established they were very useful; but their utility had long gone by. When thousands were given not only for flat races but for steeplechases, assuredly £100 offered in a Queen's Plate was very meagre encouragement for improving the breed of horses. In his opinion, the money might much more usefully be given in prizes for sound stallions throughout the country. What the farmer wanted was a genuine article, and to have that article near his door; and the only way by which that could be obtained was either by letting out stallions in every district of the country, or by giving prizes not only at the large agricultural shows, but also at the shows in remote places—Wales, Cumberland, and elsewhere. If the farmer had the prospect of getting a genuine sound stallion he would take to breeding. There could not be a better instance in point than Cornwall. There at one time they hardly bred at all; but Lord Falmouth and others had for some years kept good stallions for the use of their neighbours, and now Cornwall was one of the favourite hunting grounds of the dealers in horses. If the sum given for Queen's Plates was augmented by £5,000 or £10,000, to be given in prizes all over the country for sound stallions, we might depend upon it that the farmers would breed very much more largely. But the encouragement must come from the Government; and veterinary surgeons, masters of foxhounds, and other fit men would always be found to go around and judge those animals. He would also like to see this encouragement carried further, by giving prizes for brood mares and foals. If the thing would not be done by Government, then let it be done by private enterprize; but he was afraid that private enterprize would not come up to the mark. It would be said by the hon. Member who was about to move the Amendment (Mr. Sturt) that the law of supply and demand would be

sufficient. Well, the exception proved the rule, and we must meet the breeder half-way. He had ridden a great many miles over the estate and county of the hon. Member, and he would appeal to him if he did not wish to see the Government of the day engaging in this matter, to increase the great popularity which he now enjoyed by keeping a stallion himself for the benefit of his tenants and neighbours. He felt that this question was one of very great importance to the country. He could assure the House that he had had an opportunity of meeting many who dealt in horses; and they, one and all, said that instead of the price of horses going down it went on increasing every day; and he really thought that, for the sake of what was required by the Government and everybody else in the country, this question should receive due attention from Her Majesty's Ministers and from the House itself.

Motion made, and Question proposed,

"That this House views with apprehension the large and continued export of the best and soundest stud horses and brood mares for general purposes from this Country, and wishes to direct the attention of Her Majesty's Government to the national importance of taking such steps as may be desirable to prevent the deterioration of the stock which remains."—(*Mr. Chaplin.*)

MR. GERARD STURT, in rising to move the Previous Question, said, that in common with the whole House, he was quite ready and willing to admit that his hon. Friend had brought forward his Motion not only with his usual ability, but also that he had been actuated by no other motive or wish than a sincere and unselfish desire to improve the breed of horses we possessed. His hon. Friend would, he felt sure, give him the like credit, although he might feel bound to differ from him not only in his conclusion, but in many of the opinions which he had expressed. What was the Resolution now before the House; or rather, what were the Resolutions? Because when he first took up the Paper he said, "Hallo! here are two Resolutions combined in one;" and the speech of his hon. Friend had confirmed that idea. Well, let the House examine these Resolutions in a careful, impartial, and business-like manner. His hon. Friend asked the House to express its dread of the foreigner visiting our shores, to take away our best stal-

lions and brood mares, and he proceeded to argue for some sort of Government interference to avert the deterioration of our remaining stock. He joined issue with his hon. Friend on both these points. He was all for competition, and he denied *in toto* any deterioration whatever of stock. And why was he all for competition? He spoke now as a breeder. Because competition raised and enhanced the value of the article that he produced. Who was the chief competitor? Why, the foreigner; and, instead of throwing obstacles in his way, he cared not whence he came—from France, Germany, Austria, Italy, Russia, Mesopotamia—he would say, “Welcome, illustrious stranger, to our shores; and the more you bid for my horses, my mares, and my foals, the better I shall like and the more I shall appreciate you.” Surely neither of the hon. Gentlemen who had spoken would advocate for a moment that the Government should employ a man to outbid the foreigner in endeavouring to obtain the best article he could. Who was to be the judge of the best article? Who was to be so supernaturally gifted as to be able to say which was the best stallion—which the best mare? His hon. Friend would, no doubt, say that was a matter of detail. “Well, it was; but a matter of detail so difficult, so complex, so impossible to put in working order, that he (Mr. Sturt) strongly advised the Government of the day, from whatever side it might come, not to embark in such an undertaking. He would advance a step further than his hon. Friend. Suppose the man employed by the Government had out-monied the monied and illustrious stranger and obtained the article. Where was he to be placed? Was he to parade the Queen’s highway, to be turned out into the fairs, or to be placed in the barrack? No; his hon. Friend knew—and if he did not he would tell him—that if the Government interfered one iota—if they bought one single hair belonging to one single tail belonging to one single horse—they were “in for it;” they were in for Government *haras* and breeding establishments, which meant nothing more or less than Government grants of money from the Consolidated Fund to maintain and sustain them. He thought that by this Resolution his hon. Friend had framed an imaginary grievance, and then proceeded to demolish and destroy

it. His hon. Friend told him that he was modest, but he was not half so modest as the Mover of the Resolution; because if there was one man in this country who had done more good than another towards improving the breed of horses it was his hon. Friend. His hon. Friend had improved materially, substantially, and numerically the breed of horses in his own county. How did he do it? By the aid of the Statute Book? No. By individual energy and enterprise; and he had done this not only without loss, but if he had followed it as a business, he might have added to his pecuniary emoluments. He asked his hon. Friend whether such propositions and schemes as he had carried out so successfully were not far better than annual Votes of money from that House—Votes which were sure to be challenged by some ultra-Radical economist on the Opposition benches, who would argue that such a Vote was unnecessary and unfair to the taxpayers of England. Give him (Mr. Sturt) public competition and private enterprise against Parliamentary interference and legislative enactments; and save him! oh save him! from going one inch further in the direction of paternal Government. He would now refer to the latter part of the Resolution, which dealt with the question of deterioration of stock. What did that mean? It must mean one of two things, or both—diminution in number or deficiency in quality. He was prepared with unmistakable evidence to refute the former, and could bring unimpeachable testimony to rebut the latter. His hon. Friend had quoted the evidence of several witnesses from the Blue Book to substantiate his case, and he had dealt with those witnesses with a skill and dexterity well worthy of a member of the long robe. He knew exactly where to stop, and in no instance did he give the House the benefit of cross-examination, but in no single instance did any witness come forward in this particular without being taken in hand and bowled over and over again; and of all the witnesses that were taken in hand and bowled over and over again, slaughtered, flayed alive, spificated, hanged up to dry, none was more conspicuous and stood forth in bolder relief than the second of this Resolution—the hon. and gallant Member for Gloucestershire (Colonel Kingscote). Being of a generous disposition, he would

make his hon. Friend a present of all these witnesses, and proceed to meet him, in regard to the diminution in the number of horses, with his own weapon—extracts from the Blue Book. Now, in 1862 the number of horses charged with the duty in this country was 579,181; whereas in 1872 the horses chargeable were 859,385. But that was child's play compared with the evidence he had got to annihilate the other half of the Resolution. But here he must complain that his hon. Friend, who was welcome to his ponderous blue volume, had been base enough to poach on his (Mr. Sturt's) preserves and run away with his "little boy blue." The hon. Gentleman had read a portion, but he had not read all. He had not read the following extract:—

"So far, there is no reason to suppose there is any falling off in the stock of horses in this country, but, on the contrary, it is increasing, although not as quickly as the demand for some description of horses."

His hon. Friend told them the difficulty he experienced in mounting himself. But then his hon. Friend must bear in mind that he happened to be a remarkably fine specimen of mankind. He defied anyone to look at the hon. Member without coming to the conclusion that Nature had bestowed upon him the very choicest of her embellishments. But if his hon. Friend wanted to be mounted he must pay for it, and he knew no one more capable of writing a fat cheque than the hon. Gentleman. Had it never struck him that there had been a great increase of wealth recently in this country? What did the increase of wealth mean? It meant increase of luxury, and what did increase of luxury mean? It meant more carriage horses, more driving horses, more racers, more hunters, and more hacks for wives, daughters, sons, and self. They were asked to agree to some Parliamentary interference because the supply was not quite equal to the demand; but he hoped he had proved to the House that it need not fret itself about the breed of horses dying out in these islands. Now, as to the latter part of the Resolution, deficiency in quality, he must again address a word of expostulation to his hon. Friend. He had entirely ignored the state of our thorough-bred stock. Nay, more, he had told them that he was perfectly satisfied with the condition of it;

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but would he get up and tell them that he was not perfectly well aware that the thorough-bred stock of this country was the fountain head from which they obtained not only the sinew, bone, fibre, and muscle, but the lasting qualities, the stamina, which were the chief characteristics of English horses? Would his hon. Friend have the audacity to tell them that there was a single horse or a young hack in his stable whose sire or grandsire was not to be found written in the chronicles of stud horses? In the year 1700, the average height of our thorough-bred stock was 14 hands; but in 1875, the average height of our thorough-bred stock was 15 hands 2½ inches. It was a curious fact that the average height of our thorough-bred stock increased exactly 1 inch every 26 years. It was not everybody who knew that. In the year 1700, when the Emperor of Morocco made a present of the celebrated Curwen Bay Barb to Louis XIV., the height of the horse was 13 hands; in 1765 a great stallion was advertized—his stature being the chief feature in the advertizement—his height was 15 hands, and his name was *Marske*, by the sire of *Eclipse*. He asked the House if it was not a curious fact—and it was a fact—that the stature of the stallion should increase in 175 years from 13 hands to 17 hands—through the Curwen Barb of 1700—through the same Eastern blood to the Prince Charlie of 1875? This brought him to the time in which we now existed. Last year, when his hon. Friend placed a similar Motion on the Notice Paper, he (Mr. Sturt) took the trouble to look at his racing calendar, and he wrote to the owners of the first 25 stallions which were advertized in that publication; and he should read to the House the height and the girth and the size below the knee in each instance. The first four were stallions for the use of which 100 guineas were charged. King Tom—height, 16 hands 2½ inches; girth, 6 feet ½ inch; and size below the knee, 8½ inches. What did the grumblers think of that? Lord Clifden—height, 16 hands 2 inches; girth, 7 feet; size below the knee, 9 inches. Blair Athol—height, 16 hands 1½ inches; girth, 6 feet 6 inches; and size below the knee, 8½ inches. Parmesan—height, 15 hands 1 inch; girth, 5 feet 10½ inches; and size below the knee, 7 inches. The average sta-

ture of these stallions was over 16 hands, and below the knee the average was nearly 9½ inches. He wished to call particular attention to Parmesan and Favonius, who had got two consecutive winners of the Derby, each being over 16 hands high, and in circumference below the knee nearer 9 inches than 8. Some hon. Members might wonder what he was driving at. Well, he would tell them. There was no royal road to breeding perfection in horses. The veriest "weed" which might have brought any hon. Member to-day to that House would, if pluckily mated, produce a horse of enormous stature and incalculable value. He would give an illustration of this. In 1825 there was a little mare which belonged to a country apothecary at Newmarket, and her vocation was to go up one street and down another, leaving pills and what not. Well, this little mare, of nominal value, produced in three consecutive years three of the best animals of their respective years—namely, Rubens, Selim, and Castrel. Again, the dam of Venison, who was the finest stayer this country ever saw, stopped still after she had gone half-a-mile; and the moment she had gone that distance she could go no faster than the hon. Member for Lincolnshire could on his own hack. Now, his theory was that the more they bred the more likely they would be to attain perfection; but, above all things, he would ask the House not to place any shackles in any way upon the breeder of horses. It was not all gold that glittered in that direction, as he would show by an illustration. Three or four years ago he set up a small breeding establishment of his own through the kindness of his hon. Friend the Member for Weymouth (Sir Frederick Johnstone), and became possessed of three about as perfect brood mares as could be conceived. In order to obtain the best produce he could, he sent the mares to the most expensive horses, at 100 guineas. He went from home for two or three months, and when he returned he thought he would go and look at these mares, so he took his walking-stick and went into the paddock where the mares were. They all walked up to him and looked him full in the face, and he found that not one of those mares was a bit more in foal than he (Mr. Sturt) was at that moment. He asked the House whether

it was astonishing or to be wondered at that breeders should view with fear, dread, and trepidation any Motion which might in any way detract from the value of their produce when it did appear? He had endeavoured to prove to the House, to the best of his ability, that the Motion now under consideration was unnecessary—and here he might say that no man had derived more benefit than his hon. Friend had done from freedom of action. He hoped, however, he had said nothing that would wound the feelings of his hon. Friend. Certainly it had not been his intention to do so, for no man was more ready and willing than he to bear witness to the great good his hon. Friend had done in furthering the object he had at heart. He must congratulate his hon. Friend and those who supported him on the circumstance that he had not ventured to propose to place an export or an import duty on horses. Indeed, he might tell those hon. Members who might desire to place an export duty on horses that this country was far too much alive to the blessings of free trade to assent to such a proposal. Any measure carrying upon it the stamp of a re-actionary policy and having even the flavour of a return to Protection would not only be regarded with suspicion, and received with hostile criticism, but it would be unmistakably negatived throughout the length and breadth of the land. His hon. Friend had to-night endeavoured to frighten the House and the country in regard to the difficulties we should have to encounter in case of invasion. This was a mere bugbear, because if danger were impending, or if it was only flitting on the horizon, he would guarantee to the Government 100,000 horses. Not out of his own stables, of course; but on such an occasion he would stand sponsor for the loyalty and patriotism of his own countrymen, from the highest to the lowest. He had listened attentively to the speech of his hon. Friend in the hope that he might have made some practical suggestion, offered some feasible solution, or found some definite method of grappling with this imaginary equine disaster. He was, however, much disappointed at not finding any practical remedy proposed. As for himself, he should like to feel that he had said something which might tend to increase and improve the breed of horses.

Before he sat down he had two favours to ask—one from Her Majesty's Government and the other from a large and influential class in this country. His entreaty to the Government was that they should do nothing. He saw many hon. Gentlemen opposite of the class to which he had the honour to belong, and there were many others on his own side of the House and also in "another place." He would ask them to follow the example of his hon. Friend the Member for Lincolnshire and himself, and set up in the South a few breeding establishments. They had every inducement to do so. They had paddocks, pastures new, and nature smiling, and if they would only do this he felt convinced that after generations would acknowledge the superiority of our equine production above that of all other nations of Europe, and that such a Motion as the present would never be necessary. Lastly, he believed that in after years those who considered the question would arrive at the conclusion that the Member for Dorsetshire was wise in his generation when he took upon himself to submit to the House, as he now humbly did, the Previous Question.

Previous Question proposed, "That that Question be now put." — (*Mr. Sturt.*)

MR. A. H. BROWN rose to second the Amendment of the hon. Member for Dorsetshire, and he did so because the Forms of the House would not allow him to move the Amendment of which he had given Notice—namely—

"That, in the opinion of this House, the scarcity in the supply of Horses will best be met by leaving the question to the ordinary laws of supply and demand."

He came down to the House expecting to hear some suggestion made as to how the purchase of horses for abroad could be regulated; but the hon. Member for Mid Lincolnshire (Mr. Chaplin) had failed to suggest any remedy. It was quite impracticable to think of Government intervention in the way of keeping Government horses; and if good and sound animals alone were used for breeding purposes, we should have still more foreigners coming over to buy up our horses, and so the hon. Gentleman's alarm would be still further increased. The best friend to horses was the Chan-

cellor of the Exchequer, who took off the duty last year. To remove all uncertainty about the number of horses, and to show that the increased price of horseflesh had had the natural tendency to increase the breeding, he would quote some figures from official statistics. In 1873 there were 2,750,000 horses in the United Kingdom, and, comparing the number that year with the number in the previous year, he found that there had been an increase of 65,000 or 82,000 in two years. Nothing could be more satisfactory. The number of horses employed in agriculture, including mares and unbroken colts, was in 1874, 1,007,000, which showed, comparing that year with the year previously, an increase of 45,000, and of 72,000 two years previously. There would be found a steady increase throughout the country, and the number of horses and their increase would be found to be unmistakably progressive. In 1872, there were 230,000 mares and colts in the country; in 1873, the number was 242,000; and in 1874, 268,000; showing an increase between the first two years of 12,000, and a much greater increase in the year following. If they turned to the number of licensed horses they would find that whereas in 1872 there were 917,000, in 1873 there were 972,000, showing that the wealth of this country in horses was on the increase. It was satisfactory to find that horse breeding was spreading in so many counties of England. Comparing the years 1871 and 1873, the number of brood mares and unbroken horses increased in 34 counties out of the 40, while in 1874 the Returns showed that the number had increased in every county. The horse power of the Kingdom was very satisfactory as compared with other countries, for while for every 100 acres of cultivated land France had 3 horses, the United States $\frac{1}{4}$, and Belgium and Holland, 5; Great Britain had 7. As to the horses we imported and exported, it would be found that whether as regarded their quantity or quality there was not the least occasion for the slightest anxiety. The number of horses imported into this country in 1871 was 3,000; in 1872 it was 12,000; in 1873, 17,000; and this year the number had been 20,000. Why should we not go abroad and buy a cheap horse, which could not be obtained in this

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country? There was no reason in the world, so far as he could see, why horses of this description, light draught horses, such as those employed in the omnibus traffic, should not be brought into this country. He now turned to the figures touching the export of horses. He was not in a position from his limited knowledge to say how many of those animals were of the first class, but he could give the total figures showing the gross number of horses exported; they would clearly show that there was nothing whatever to be alarmed about. In 1871, 9,000 went abroad; in 1872, the number had fallen to 3,000; and in 1873, it was only 2,000; and if the circumstances were considered, it would be seen that it was the disturbing influence of a great Continental war which produced a great exportation of horses in 1871. He would give another proof to show that the export was not of the serious character which some people thought it was. The Trade and Navigation Returns showed that the average value of horses sent abroad in 1861 was £80, whilst in 1873 it was only £63, and Colonel Jennings had stated to the Committee which had been referred to, that he had seen a large batch which were being exported, and the average price of them was only £17 a-piece. If that was the sort of horses which were sent abroad there was not much to alarm the country. Horse dealers were interested in showing that horses were leaving the country because it afforded an excuse for keeping the prices high. They had industriously fomented alarming rumours about foreigners buying up all our horses. In their eyes, the foreigner was ubiquitous—he was as rich as Croesus, and could outbid the poor Englishman. He knew where all the best horses were to be found, and bought them all up, regardless of expense. This mania about the foreigner reminded him of the character in Goldsmith's play of *The Good Natured Man*, who was made to ask "What makes the bread keep rising? The *parle vous* that devour us. What makes the nut-ton 5*d.* a pound? The *parle vous* that eat it up. What makes the beer 3½*d.* a pot?" He hoped and believed that this mania about the foreigner would soon vanish, and he had confidence in the energetic enterprise and horse-loving spirit of Englishmen. Turning to

the question of the quality, he would point out that the Lords' Committee spoke in high commendation of our thoroughbreds and hunters, and stated that the mounted portions of our Army were never better horsed than at present. It was true that the breeding of certain classes of horses had declined, such as roadsters and the old-fashioned Cleveland horse; but that was simply owing to the change of fashion, which caused these horses to be less sought after in England, and consequently foreigners were able to come into the market and buy them at a cheap rate. But as to our better class of horses, such excellent judges as Mr. Tattersall and Admiral Rous considered that our horses were never so good before, and he would appeal to hon. Gentlemen whether a more splendid lot of animals could be imagined than were to be seen in last year's hunting-field, or in the Parks. The hon. Member for Mid-Lincolnshire had quoted from the evidence of Mr. McGrane, the Dublin horse-dealer, but he had omitted to refer to the passage where that witness said that thoroughbreds in Ireland had improved in size. It really was nothing but a question of price, and so long as we were willing to give a price that would pay for breeding, we should have the best quality of horses. The wealth of the country had increased enormously, and the demand had for a moment outstripped the supply. Prices had increased, and increased price led to increased breeding. Our horses were steadily increasing in number, and our exports, instead of being a subject of alarm, were a subject of congratulation. If any one ought to be alarmed, it should be the foreigner. He hoped the views which he had expressed—and he was sorry the Forms of the House would not allow him to move his Amendment—would be maintained by the House; and, in conclusion, he must say that any Government interference on this subject would do more harm than good.

MR. DISRAELI: The hon. Gentleman the Member for Mid-Lincolnshire (Mr. Chaplin), if he is correct in his views as to the diminution and deterioration of our British horses, may, perhaps, feel that some of the sources of interest in his life are being impaired. But I will offer him this consolation—that if his views are sound and accurate,

he may find a substitute for that noble and inspiring pastime which has occupied many of his agreeable hours by giving more time even than he does at present to this House, and I can assure him, after the speech to which I have listened to-night, that I shall be most happy to find him sitting upon the same bench as myself. One of the most striking illustrations of the advantage of competition, however, which I think we have been furnished with to-night have been the respective addresses which we have heard from my Friends the hon. Members for Mid-Lincolnshire and Dorsetshire. That was a passage of arms which will not be easily forgotten, and far be it from me at present to decide who is the victor. In fact, one of my objects in rising is to suggest that, if possible, there should not be a division upon the Motion of my hon. Friend the Member for Mid-Lincolnshire, and that we should not be forced, as many of us may be, to support the Amendment of my hon. Friend the Member for Dorset. It is impossible to deny the interest and urgent importance of the subject which the hon. Member for Mid-Lincolnshire has brought before our consideration to-night. It is one that engages public thought, and upon which the consideration of society, and even of the State, are employed. It is my business, in the position which I at present occupy, to consider it chiefly in a military point of view. I think the duty of a Minister is limited to considering whether Her Majesty's Army is sufficiently supplied with horses under the existing circumstances. I will not give too decided an opinion upon that subject; but I am bound to say that, so far as I can form an opinion from the facts that are in my possession, the state of our Cavalry is by no means unsatisfactory; and I cannot comprehend how the evidence of the experienced dealers examined before the Lords' Committee, and whose evidence has been so often referred to, is consistent with the prices that now obtain for horses for the Army. As far as I can see, there is no very material difference between the prices now paid and those which have prevailed since the Crimean War. In 1870 three or four year old horses for the Royal Artillery were purchased for £45; and in 1874 horses of a precisely identical quality and charac-

ter fetched £50. It must be clear, therefore, that if there was a demand so great or a scarcity so remarkable as we are led to believe, the prices would have been very different from those which were stated to the Committee. Down to the year 1850 our Cavalry was horsed for £26 5s. per horse. Then came the Crimean War, and the price rose to £40 per horse. What do I find now? In 1870 the price had fallen to £36 per head; in 1871 it was the same; in 1872 it had risen to £40; in 1873, £47; and in 1874 the price had only advanced to £5 more than was demanded at a time when horses were required for the purposes of the Crimean War. My hon. Friend the Member for Mid-Lincolnshire has rested his case upon three points, one of which is the deterioration in the quantity and quality of our horses. With regard to the question of quality, it is difficult to fix upon any tests which would be generally adopted as conclusive, as so much depends upon opinion, and even upon fancy. The hon. Member for Dorset (Mr. Sturt), in his most interesting, and, I believe, accurate account of the development of our finest Arabian blood since the days of "Godolphin," has shown us that, taking the general views which are alone possible in considering questions of this kind, it is difficult to maintain that there has been a deterioration in the efficiency of our English horses. When we come to the question of the diminution of numbers, we are provided with tests which must be accepted as the materials for sound conclusions. So many figures have already been mentioned in this discussion that I should be sorry unnecessarily to refer to any, and especially to any which have been given before. We have had a Return referred to partially which I have here—from 1868 to 1870—as to the importation and exportation. In 1868 we imported 1,575 horses, and exported 4,091; in 1869 the numbers were not materially changed; in 1870 we imported 2,387 horses, and exported 7,202; in 1871 our imports were 3,448, and exports 7,072; in 1872 our imports, owing doubtless to the termination of the last war, were 12,618, and our exports only 3,300; again, in 1873 our imports had risen to 18,000; in 1874 they were about 12,000; and in both years the numbers exported remained about the same as in 1872. The hon.

Member for Dorset has quoted from an important Return, which I presume, though I have not recently referred to it, is in the Report of the Lords' Committee; but I think I have even a later Return as to the licensing of horses. I think we give the numbers up to the year 1870 as 841,000 in round numbers. I have a Return up to 1873. My hon. Friend called our attention to the fact of an increase of, I think, from about 500,000, in round numbers, to 841,000. But from the last Return, in 1873, I find that the 841,000 who were licensed in Great Britain in 1870 had increased in 1873 to 865,000. This I take to be a remarkable piece of evidence contrary to the conclusions of my hon. Friend the Member for Mid-Lincolnshire. Well, I will hardly touch upon the second cause of the present unsatisfactory condition of our horses according to the views of my hon. Friend—namely, as to the disadvantages which we have suffered by the exportation of breeding stock, because I do not understand that my hon. Friend insisted upon these facts as a foundation for any interference of the Government or the Legislature. We notice the circumstance with regret; but I am not persuaded that there really is any Party or any individual in the House of Commons who is prepared to put any check upon the exportation of horses; and therefore I will not dwell upon it. I would rather touch—which I will do shortly—upon the third head of the interesting speech of my hon. Friend the Member for Mid-Lincolnshire—namely, the remedies which he suggests. Now the remedies which he suggests I confess appeared to me to be the portion of his address which was the least appreciated. I do not find in the remedies which he suggests any that are at all equal to the assumed evils which he looked upon as his duty to encounter; and, at the same time, they appear to me to be, though slight, probably productive of public inconvenience and injury. I do not think it is possible for us to bid against those prices which foreign Governments give by offering prizes which would be considered moderate in different districts of the country. If the power of foreign Governments, with their unlimited resources, is of the character my hon. Friend describes, is it possible to imagine that by confiscating Queen's Plates, or by any other means

which the Government might have at hand or which the House of Commons would authorize, we could compete with those mighty Empires which are buying up all our stock at fabulous prices, and that with no regard to any immediate return for their capital, but solely with a view to the ultimate and beneficial consequences which they may produce in their respective countries? Again, I cannot understand that the system suggested by my hon. Friend for bodies of travelling sires wandering about under inspection in different parts of the country would be a system from which anyone would guarantee efficient results. It appears to me that it might be open to a great deal of mismanagement and carelessness, and that the Government in adopting it might only be doing very badly what individuals most probably would do much more efficiently. We have a remarkable instance in the *haras* of India of what can be effected by individual action. For a considerable period after its establishment in India the *haras*, which was looked upon by Government as of great importance, was not at all successful. I believe it was established for a limited period, and it was contemplated that it must be ultimately given up. After 10 or 12 years' experiment it gave such unfavourable results that Sir George Barlow, the Governor General, proposed to abolish the system; but, on further consideration of the subject, the Court of Directors determined to send over from England to superintend the stud a man who was thoroughly conversant with horses and breeding. Mr. Morecraft, a man of extraordinary energy, judgment, and knowledge was sent out, and his management was most successful and fully realized all the hopes of the Government. But it was entirely the individual character of the superintendent that made the *haras* of India successful, for at his death the establishment gradually declined was obliged to be given up. We have this example to guide us in considering what would be the effect of these travelling sires distributed over the country under the care of Government agents. As a general rule, you could not expect to see Government agents exercise that vigilance and care which depend so much on individual character and individual interests; and I think we may assume it would be alto-

gether a losing speculation. This remedy, therefore, is not one which it would be advisable to adopt. "But," says the hon. and gallant Gentleman the Member for Gloucestershire (Colonel Kingscote), who seconded the Motion of the hon. Member for Mid-Lincolnshire, "Something must be done by Government." I say, "Why by Government?" Why should the Government keep stallions any more than they should keep bulls or rams? I have never heard that question satisfactorily answered. Who produced our Shorthorns, our South Downs? Not the Government, but private breeders; and it is to the same individuals and the same class that we must trust for a settlement of the present question. It is to this class, which has achieved such great and beneficial results to the country, and of which the hon. Member for Mid-Lincolnshire is such a distinguished ornament—it is to the intelligence, energy, judgment, knowledge, wealth, and experience of men like the hon. Member for Mid-Lincolnshire and the hon. Member for Dorsetshire—although, I am sorry to say, the latter seems to have been deficient in one of his duties in that respect—that we ought to look for those improvements in the breed and number of our horses which the hon. Member for Mid-Lincolnshire so much desires. I do not know that it becomes me to enter further into this discussion. I would just remind the House and the country that we have had upon the subject a Committee in the other House of Parliament, which has been referred to in this debate, a Committee distinguished by the ability of its Members, by their being perfectly equal to the subject with which they had to deal, who brought to it a knowledge which perhaps no other Assembly in the world could equal, experience of an unrivalled kind, and of which the result has been that they only came to one decided recommendation. Upon all other points they appear to have been doubtful, hesitating, perplexed, careful and cautious no doubt about committing themselves, and with a general impression in the Committee that it was best to do nothing—with the exception of one great object. And what was that? To take the tax off horses. Now, since that time the country has been blessed with a Government which has

taken the tax off horses, and I think that ought to be accepted as evidence that we are in perfect sympathy with the important and interesting subject which has been brought under our consideration to-night. I am not prepared to do more at present than to remind the House and the country that we have taken the tax off horses, which was considered by that Committee a matter of the highest importance. My main object in rising was to suggest that we should not come to any division on the Motion. I do not see that the temper of the House is favourable to the Motion of my hon. Friend the Member for Mid-Lincolnshire, though I am sure in everything connected with it both sides of the House are equally interested. But I should be sorry if, after a matter of this kind has been brought forward, in a manner so justly commanding the attention of the House and the country, by a Member whom we all so much respect, there should be a division which would convey to the country the impression that there was a want of sympathy in the House with him and with this subject, which might be if a division took place. I think that the Amendment—if we go to a division—the Amendment of my hon. Friend the Member for Dorset (Mr. Sturt), which he enforced not only with so much efficiency of logic, but with such sparkling illustrations, is the Amendment that I should support, if an Amendment is necessary. But we have had an interesting debate that has engaged the attention of both sides of the House, and which will do great good; which will bring the attention of the country to this important matter; which will, I hope, animate the gentlemen of England to the fulfilment of more active duties in this respect than they have hitherto accomplished; which will make them remember that they really now have approached a time when the country expects from them—grateful as the country is for their past exertions—something more than the mere production of thoroughbred stock. Thoroughbred blood is necessary in all things; but the country wishes, and the landed proprietors of this country generally must remember, that there are other animals to produce of equal use and efficiency than mere racehorses. If they bring their minds to this—and I

believe they are bringing their minds to it—they will establish a fresh claim to the gratitude of their countrymen; and it is by their means—it is by the exertions of men like my hon. Friends who have addressed us with such remarkable ability to-night—that I, on this important subject, trust the future of England.

SIR HARCOURT JOHNSTONE said, he thought the hon. Member for Mid-Lincolnshire (Mr. Chaplin) had done good service in bringing this important subject under the attention of the House. From the earliest times the importance of a good breed of horses had been recognized in this country. Oliver Cromwell held that opinion. Since his day Royal personages had taken a very active interest in the breed of horses. In 1712 Queen Anne started two horses—Pepper and Mustard—to run at Newmarket, and one of them afterwards gained the York Gold Cup. We were now obliged to dispense with Royal patronage, because practically that House dispensed the Royal bounty; and the farmers and gentlemen of this country had given themselves more to the breeding of shorthorns and sheep than of horses. To this day he found that the agents of foreign Governments were taking away our best stock. The increased prices offered would in time stimulate production, but English farmers and breeders had a remarkably uphill race to run. They had to contend with foreigners who were subsidized by their own Governments for warlike purposes, and the immense sums given away every year at hundreds of races rather increased the difficulty. No sooner was racing over than steeplechases began, and the money lost and won in gambling at those races made the production of horses so remunerative that nobody would part with a good running horse in these days. In the country generally it did not pay to breed horses, and the country was therefore much indebted to those gentlemen who from patriotic motives had done so much good in improving the breed of horses. He did not think his hon. Friend the Member for Mid-Lincolnshire had asked too much when he proposed that the money spent in Queen's Plates should be given up for prizes to the best horses at the various shows throughout the country. The money would be perfectly safe in the

hands of the Lord Lieutenant of each county. A Queen's medal or cup for the best horse would be highly appreciated by farmers. This matter really depended upon country gentlemen, and especially upon what he might call the new country gentlemen, who, having of late years accumulated enormous wealth, thought nothing of paying £5,000 for a picture or a Sèvres vase—if these gentlemen would keep good horses for the benefit of their tenants and their neighbourhood, they would perform a great national service. He entirely endorsed all that the Prime Minister had so properly said. The number of horses in the country was larger than it had been, but not the class for Her Majesty's Cavalry. The Government themselves had recently knocked off six months from the age of horses purchased for that purpose. They used to give £28, £30, and £35 for a horse four years old; but they now allowed the same money, and even £55, for an animal three years and one month old.

MR. CONOLLY entirely sympathized with all that had been so well and effectively said by the hon. Member for Mid-Lincolnshire. When danger was distant they might pooh-pooh the warning voice; but the time would come when attention must be paid to it. The urgency of this question was felt much more in the country to which he belonged; but even the urgency which was felt in this country amply justified what had been stated by his hon. Friend. In Ireland there had not only been a decline in the number but a deterioration in the quality of the horses sold. At Mullingar fair the average price of a horse was now only £19; whereas he recollected when it ranged from 50 to 70 guineas. The Irish horses were at one time held in high estimation, and he could mention a long list of them which had been brought over here and beaten the English horses on their own ground. They had no such horses as Russborough, on which J. Robinson rode a dead heat for the St. Leger. Faugh-a-Ballagh was allowed to pass into the hands of the foreigner, and this horse, which had only half of Faugh-a-Ballagh's blood, turned out the best horse in England. These were the acts of children, and if they did not know how to conserve their advantages they would at length let the thing pass out of their grasp, and 10 years hence

they would have to come down to the House and acknowledge that they had allowed their best horses to go to Russia, to Prussia, and to Italy, and would be ready to offer countless treasures for what they had thrown away that night. It was said in Ireland that all the best young horses were taken over from that country to Lincoln fair. He had gone to Lincoln to verify the statement, and at that fair had found it to be perfectly true. He found young Irish horses there ready to be sold to the foreigner. He was sorry the hon. Member for Mid-Lincolnshire had been sent back empty-handed to his county, with all his warnings complimented away. The House, he feared, would find out too soon what a precious benefit it had lost. The debate, in his opinion, had come to a lame and impotent conclusion; but he could not sufficiently admire the patriotic motives of the hon. Member for Mid-Lincolnshire.

Mr. GREENE said, he thought that there was little left to be said after the speech of the hon. Member for Mid-Lincolnshire (Mr. Chaplin), which really remained unanswered. The right hon. Gentleman at the head of the Government said it would be difficult to decide which was the better speech, that of the hon. Member for Mid-Lincolnshire, or that of the hon. Member for Dorsetshire (Mr. Sturt). No doubt the speech of the latter Gentleman was very amusing; but it by no means met the arguments contained in the speech which had gone before it. The evidence taken by the Committee of the other House sufficiently showed the serious character of the subject with which the House was dealing. He would only refer to one question. The Lord Privy Seal asked a witness whether, supposing he wanted a stud of hunters, and did not mind the money he should have to give for them, he could not get as many of a high quality as he could have done some years ago; and the witness replied that, apart from the question of price, he could not. As to the speech of the Prime Minister, if there was a weak point in the right hon. Gentleman's character, it was that he was not a sportsman, and therefore he could not sympathize with them fully upon a question of this sort. He did not believe that the right hon. Gentleman had ever taken a flight with the Pytchley or the Quorn. It was all very well to com-

pare horses with bulls, but we did not mount out Cavalry on bulls; and, if we were starving for want of beef, the Government would look about them. Returns had been quoted in reference to the horses in this country; but he very much doubted the accuracy of those Returns; and he could hardly understand how anybody could say that horses in this country had not deteriorated, and were not dearer than they used to be. If you wanted a pair of good carriage horses now you could scarcely get them, and only yesterday he gave £27 for a little pony, though years ago he could have bought a similar one for £8 or £10. Cart horses, which formerly cost £40, now fetched £80, and this was a serious thing, because a very large amount of capital was invested in cart horses. He would suggest that Government, instead of buying horses at four years old, should buy them at three years old; because many persons would be induced to breed horses if they could sell them without the trouble of breaking them. The Government found money to support staghounds and Queen's Plates, and surely they might give some encouragement for retaining our horses in the country. He did not ask for the imposition of an export duty; but he was not alarmed at the word re-action. The House had lately gone from Free Trade to monopoly by passing a Bill to create a monopoly in public-houses. What was asked was that we should prevent the exportation of every good animal, and the leaving of nothing but refuse in this country. Although racing had done much for us, it did not produce useful horses of a particular class. At one time at Tattersall's it was easy to find a good short-legged carrying hunter; but now he often left without seeing a single horse he could covet. The simple remedy was that proposed by the hon. Member for Mid-Lincolnshire. It was absurd to talk of rigid economy in a matter which affected the prestige of the country. Some of our soldiers were mounted on horses he would hardly mount if he were paid for it. If it were asked what the Government were to do with horses, he would say, let them keep them at Hampton Court. There was a great amount of patriotism in the country, and it only wanted encouraging by a few prizes for the best horses and the other measures recommended by his

Mr. Conolly

hon. Friend (Mr. Chaplin). What the noblemen and gentlemen in every part of the country had to look to was that there were a few good sires for the use of the neighbourhood. His county (Suffolk) was noted for good horses; but the best were being day by day bought up by foreigners and sent abroad. The farmers now bred a number of ordinary animals; but if they had good sires within reach they would breed animals of greater value. His hon. Friend (Mr. Chaplin) had been taunted with riding the best horses; but he was of some weight, and his hon. Friend very properly did not care to have a weedy, lanky, cross-kneed, ewe-necked brute to support him. If his hon. Friend went to a division he should vote with him, for no arguments had been urged against his Motion. His hon. Friend (Mr. Sturt) had, no doubt, shown a great deal of fine action. He (Mr. Greene) seldom went to a theatre; but he thought for a moment he had entered one when he saw his hon. Friend raising his hands to the clouds like the pictures of the theatres on the walls outside. It was very amusing, but it was not argument. Now they had got a Conservative Government there would be no nonsense, he hoped, about economy, which was generally another word for parsimony. England would not be the nation she was without her field-sports, and without horses there could be no field-sports. The importance to a nation of a sufficient supply of horses could not, indeed, be overrated. He could only say he thought the House ought to feel much indebted to the hon. Member for Mid-Lincolnshire for having brought forward the Motion, and he regretted it had not had greater success.

Mr. MATTLAND said, he thought he had some right to ask the indulgence of the House for a few minutes, because he represented a very large county (Kirkcudbrightshire) which, in former days, produced a very fine breed of horses, and which did so no longer. He particularly alluded to Galloways, which were exceedingly useful and very much thought of; in fact, there was no class of horses out of which they could get any better work than the Galloway. As to the speech of the hon. Member for Mid-Lincolnshire (Mr. Chaplin), he could not altogether agree with the remedies which he had proposed; but there could

be no doubt whatever that there was at present a very great want of horses, and, he was sorry to say, a want of good horses. He spoke with knowledge when he said that really good horses could only be had at almost famine prices. In the face of this fact, therefore, how could any Gentleman who was a political economist say that the supply of horses was plentiful? It was said that people were richer and more luxurious now, and that every one connected with the upper classes wanted more horses than they did formerly. This, however, did not meet the point, and he thought he could dispose of that argument in one sentence. Let him ask, how about cart horses? If there was any class of horses in the Kingdom in regard to which the price had increased, it was the cart horse. He could remember when a good cart horse could be purchased for £30, and now a similar kind of horse would cost £100. Statistics had naturally been much relied on during the debate, and he had reliable statistics to show that, whether from bad management or bad breeding, a large proportion of our working horses were lame. His opinion was that the lameness which prevailed proceeded from the putting of wretched weeds of horses to do heavy work. He would like just to refer to some statistics in regard to the point of quality. The authority he would quote was Professor Gamgee, who had taken observations in the streets of Paris and of London, and the results were so astonishing that he should not have ventured to have quoted them to the House unless they had confirmed observations of a similar kind which he had made himself. On the 24th of August, 1869, Mr. Gamgee saw passing along New Oxford Street on one side of the road, and in the same direction, in 15 minutes, 102 horses, of which 40 were lame. On the 25th of August he saw 83 horses of all descriptions, of which 47 were lame. In Piccadilly he took, altogether, observations of 143, and of these 75 were lame. Now, in Paris, on the 21st of April, 1870, standing on the south side of the Boulevard des Capucines, he saw 86 horses trotting past in the course of 10 minutes. Of these 5 were lame on one fore leg only, 3 on both fore legs, and 1 on the off hind leg. In the Boulevard Montmartre the proportion was even less; about 100 horses passed in

12 minutes, and of these 11 were lame. How could it be asserted, in the face of these statistics, that the London horse was, as to quality, in a satisfactory condition? The right hon. Gentleman at the head of the Government had made an observation by which the House was very much struck. The Government, he said, did not keep bulls in this country—why should it keep stallions? But in this country horses were bred very differently from other animals—such, for instance, as short-horns and sheep. In the latter case the breed was not crossed; but if a man had what he regarded as an ideal horse he would cross all other breeds of horses with it. This he considered a wrong principle upon which to proceed. In his own county, many years ago, they had a very fine breed of animals; but he could not now get a pure bred pair for love or money. It seemed to him that what was desirable was to keep the breed of horses as pure and distinct as possible, suiting them to the particular districts of the country.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter before
Nine o'clock.

HOUSE OF COMMONS,

Wednesday, 28th April, 1875.

MINUTES.] — RESOLUTION IN COMMITTEE—
Savings Banks, Post Office Savings Banks,
and Friendly Societies*.

PUBLIC BILLS.—*Resolution in Committee—Ordered—First Reading—*Pier and Harbour
Orders Confirmation (No. 3)* [143].

Resolution [April 26] *reported—Ordered—First Reading—*National Debt (Sinking Fund)* [142].

*Ordered—First Reading—*Labourers Cottages
on Entailed Estates* [144].

*Second Reading—*High Court of Justiciary (Scotland) [13]; Licensing Courts Appeal (Scotland) [68], *negatived*; Church Rates Abolition (Scotland) [26], *debate adjourned*.

*Committee—*Matrimonial Causes and Marriage Law (Ireland)* [79]—*r.p.*; Falsification of Accounts* [121]—*r.p.*

*Considered as amended—*Municipal Elections* [118].

*Third Reading—*Explosive Substances* [115]; Bishops Resignation Act (1869) Perpetuation* [124]; Bank Holidays Act (1871) Extension and Amendment* [122], and *passed*.

*Withdrawn—*Sheriff Courts (Scotland) [21].

Mr. Maitland

HIGH COURT OF JUSTICIARY (SCOTLAND) BILL.—[BILL 13.]

(*Dr. Charles Cameron, Mr. Macdonald, Mr. Mackintosh, Mr. William Holmes.*)

SECOND READING.

Order for Second Reading read.

DR. C. CAMERON, in moving that the Bill be now read a second time, said: The objects of the High Court of Justiciary Bill are two-fold. It proposes, in the first place, to extend the term during which appeals from the decisions of inferior Courts under the provisions of the 20th of *Geo. II.*, cap. 43, may be competent; and in the second, to extend the grounds of those appeals. According to the 34th clause of that Act, it is lawful for any party conceiving himself aggrieved by the judgment of any sheriff or burgh Court, when such sentence shall be concerning matters criminal of whatever nature or extent, except all cases which infer the loss of life or demembration, or in matters civil where the subject-matter of the suit does not exceed in value the sum of £12, to appeal to the next Court of the circuit wherein such county or burgh shall lie. No such appeal is competent before a final judgment is pronounced; and in order that it may be competent, it must be taken in open Court—

“At the time of pronouncing such decree, judgment, or sentence, or at any time thereafter within 10 days, by lodging the same in the hands of the clerk of the Court, and serving the adverse party with a duplicate . . . and serving in like manner the inferior Judge himself in case the appeal shall contain any conclusion against him by way of censure or reparation of damages for alleged injustice.”

The provisions of this Act for appeal have been incorporated in a number of other Scottish Acts of Parliament, both public and private—amongst others, for example, in the General Police Act and in the Glasgow Police Act; and in both these Acts, and in most of the others, the grounds on which appeal is allowed have been so narrowed that it is absolutely necessary in the interests of justice, that no unintentional obstacles should be thrown in the way of exercising that right. In the Acts which I have quoted, for instance, appeals according to the provisions of 20 *Geo. II.*, cap. 43, are only allowed on the grounds of corruption, malice, or oppression on the part of the Judge, wilful deviations

in point of form from statutory enactments, and incompetency, including defect in jurisdiction. Now, Sir, when it is borne in mind that appeals under the provisions of this Act are restricted to such narrow and urgent grounds, it is imperative to see that no unnecessary obstruction is placed in the way of any person desiring to avail himself of the right of appeal which does exist. In considering this matter it must be borne in mind that in petty criminal cases in Scotland the law is administered in the most summary fashion. In the great majority of cases the accused is apprehended without a warrant, kept locked up in a police cell, taken to Court, and the trial at once proceeded with. If he asks for delay, he is entitled to have the case postponed for a few hours. But there is no provision made for informing him of that right, and if he does demand the delay, he is still kept under lock and key; so that unless he happens to have funds to employ an agent, or friends to interest themselves in his behalf, he is absolutely powerless to do anything in the way of preparing for his defence. In consequence of this there is reason to fear that much injustice is often done; and, as imprisonment follows immediately upon conviction, even the limited right of appeal given under the Act which I propose to amend becomes unavailing. As I have said, according to that Act, appeal must be lodged within 10 days of the sentence being passed; and although in the various Acts with which its provisions have been incorporated, that term has been more or less modified, it may be safely stated that such appeal is nowhere competent more than 14 days after the passing of the sentence. If, therefore, a justice or a magistrate corruptly, oppressively, or maliciously sends an ignorant and undefended person to jail for 15 days, he may do so with the comfortable assurance that by dealing out a sufficiently lengthy sentence, he has practically rendered it all but impossible for his victim to appeal against his decision, or to seek redress at his hands. For according to the 35th of the rules for the conduct and treatment of prisoners in Scotland, convicted prisoners are allowed to receive no visit, nor to send out or to receive more than a single letter during the first three months of imprisonment, except in case of sickness and other spe-

cial circumstances, when the Governor may make an exception in their favour. Once, then, safely in prison for 15 days, the victim it may be of oppression, malice, or corruption on the part of the Judge, is practically cut off from the outside world, and effectually prevented from exercising his right of appeal. In using the words corruption, malice, and oppression in connection with the Judges of our inferior Scottish Courts, I should be very sorry to be supposed to wish to cast any reflection upon them. I make use of the words simply because they occur in the Acts of Parliament with which has been incorporated the provisions as to the appeal of the Act which it is the object of the Bill now before the House to amend. Cases in which there is any ground for alleging corruption, malice, or oppression against even our unpaid magistracy are extremely rare; but they are not so rare, but that the Legislature has thought proper to provide for a right of appeal, wherever such allegations can be sustained. What I affirm is, that under the existing restrictions as to the time during which appeals are competent, taken in connection with the conditions under which the accused is placed, the salutary intentions of the law with regard to the right of appeal may be altogether frustrated, and that in the very cases where it is most desirable, in the interests of justice, that effect should be given to them. This is illustrated very forcibly in a case which occurred about six months since in the city of which I have the honour to be one of the Representatives, and which excited a great deal of attention, not only there, but throughout all Scotland—the case of William Mackenzie, a Glasgow joiner. The case as set forth in the statement of facts appended to the bill of suspension which was unsuccessfully raised to obtain the quashing of Mackenzie's sentence were as follows:—On September 11, Mackenzie, who was at work on a building, the joiner work of which was being executed by his employers—Messrs. Miller and Bannerman—was taking his breakfast on the premises, when his attention was called by his wife to a woman who was gathering pieces of stick within the barricade which surrounded the building, and handing them to another woman who stood outside it. Mackenzie thereupon

ordered away the woman who was within the barricade, and took from the woman who was outside the sticks which were in her possession, with the exception of "three small and useless pieces of old wood, partly rotten, and filled with nails," which the woman refused to give up, and which Mackenzie did not think it worth while attempting to force from her. He had never seen either of the women before, had not seen the three pieces of stick handed through the barricade, and did not actually know whether they had been taken from the building upon which he was employed or not. It happened, however, that two policemen had observed the old woman with the sticks, and they brought her back and made her throw them down. Now, if anyone committed a theft, it was obviously the old woman, and not Mackenzie, and if anyone should have been arrested and punished for it, it was obviously she. And yet for this wretched theft, which the policemen considered too paltry to justify the arrest of the old woman, Mackenzie, who had committed no offence at all, was sentenced to 30 days' imprisonment by Bailie Bannerman, a magistrate, who was for many years sole partner of the firm of Miller and Bannerman, who, according to the statement of facts from which I am quoting, at the very time that he pronounced this extraordinary judgment, retained a large pecuniary interest in the firm, and whose son was a partner of that firm. Now, Sir, the fact of such a sentence being pronounced in such a case, had even the alleged theft been committed, was bad enough. It was especially bad that a magistrate should pronounce it in a case brought up at the instance of a firm in which he retained a large pecuniary interest, and of which his son was still a partner, and it was doubly bad that he should pronounce such a sentence directly in the teeth of a wise and salutary arrangement which has for long been acted upon by the magistrates of Glasgow, that in first convictions for trifling offences the prisoner should be dismissed with an admonition. But, Sir, bad as all these considerations would have rendered this case, its injustice was aggravated by the circumstances which attended Mackenzie's arrest and trial. As I have said, the policemen who brought back the old woman with the

three pieces of stick did not think it worth while to arrest her, and of course they had no excuse to arrest Mackenzie; but on the afternoon of the day on which the occurrence took place, Mackenzie was given in charge of the police by Messrs. Miller and Bannerman's foreman, and brought to the police office, where the lieutenant on duty, having inquired into the case, considered that there was no ground for detaining him, and dismissed him. On the following day, Saturday, when Mackenzie went to his employers' office for his week's pay, he was again given in charge by a member of the firm to a policeman whom they had arranged with to be in attendance for that purpose, and this time the charge was entertained, and Mackenzie was locked up in a police cell, where he lay till Monday morning. During this time he had no opportunity of communicating with anyone except his wife, to whom he got one of the officials to convey a message on Sunday, and who arranged to be in Court to speak for him on the following morning, as Mackenzie had such an impediment in his speech as practically prevented him, when excited, from making himself intelligible to any but her. On the Sunday, too, he was visited by the detective who had charge of the case, and who strongly urged him to plead guilty, assuring him that the case was of such a paltry nature that, if he did so, he was certain to get off with an admonition. On the Monday morning Mackenzie was brought up before Bailie Bannerman, the charge against him, which he now heard for the first time, read hurriedly over to him—in accordance with the advice he had received he pleaded guilty, intending, he maintains, to explain that it was only to having allowed the old woman to go away with the three sticks. His wife, who was to have been there to make the explanation for him, was not in Court, having been prevented by the police from entering. His plea of guilty was recorded, and he was sentenced to 30 days' imprisonment. Now, Sir, I say that this is as aggravated a case of injustice as one could well conceive, and that it is precisely one for which the law intended to provide by the allowing of appeals. But in this very case, from the restriction at present placed upon the time during which an appeal is competent, an attempt at ap-

peal proved futile, and that although Mackenzie was, in accordance with a provision contained in the Glasgow Police Act, liberated after eight days only of his sentence had expired. For, as I have said, Mackenzie was virtually cut off from the outer world from the date of his arrest. He was a poor man, and had not the benefit of legal advice. He was totally unacquainted with the provisions of the law as regarded appeal, and it was not till after his release that, his case having been brought before the public, the necessary funds were provided to enable him to seek for redress. By this time the statutory number of days allowed under the Act had elapsed, and although it was attempted, by way of suspension, to have the sentence quashed on the ground that there had been corruption, malice, and oppression on the part of the Judge, and that, in fact, no such crime as that libelled had ever been committed, the Court of Justiciary held that it was too late to open up the question. Nay, the judgment of the Court aggravated the anomaly to which I have drawn attention. It was argued by the appellant's counsel, as a reason for bringing the appeal to the High Court of Justiciary, instead of the next Circuit Court, that the complainer having 14 days allowed him by statute within which to deliberate whether to seek review or not, and being—under the statute which I seek to amend—required to give 15 days' notice of his appeal to the opposite party, after he had determined on it, there was not that length of time—29 days in all—intervening between the date of the sentence and the meeting of the next Glasgow Circuit Court. Now, Lord Neaves, who delivered the leading judgment in the case, disregarded this plea.

"The appellant," he said, "takes 14 days to make up his mind to complain of the flagrant injustice under which he is smarting; he lies in jail until it becomes impossible for him to carry out the other requisite—the 15 days' notice; he could have done it perfectly well under the statute—he could have made up his mind. It appears to me it was his duty to have made up his mind; he was not bound to delay 14 days. He has that time if he requires; but there is another requisite with which I think he should have taken steps to comply when it was in his power."

I would ask the House to mark the effect of these last words, for it has

a most important bearing on this Bill. It is this—that, according to Lord Neaves, when less than 29 days elapse between the pronouncing of a sentence and the sitting of the next Circuit Court of Justiciary, the respondent is entitled to 15 days' notice, and the appellant only to so many days as may remain between the date of the sentence and the 15th day before the sitting of the next Circuit Court. So that actually if the sentence should happen to have been pronounced 16 days before the sitting of the next Circuit Court, the appellant, according to this learned Judge must be restricted to a single day instead of the 10 or 14 granted him by statute, and if judgment happens to have been pronounced within 16 days of the sitting of the next Circuit Court, the man must, according to the same reasoning, be deprived of the right of appeal altogether. Now, Sir, any one who takes the trouble to read the words of the statute regarding this 15 days' notice, will see that, according to the plain wording of the Act which I seek to amend, the appellant is entitled to so many days wherein to give notice, and the respondent to 15 days' notice, and that he must attend not at the next Circuit Court after the trial, but "at the next Circuit Court which shall happen to be held 15 days after such service." It will thus be seen that Lord Neaves' decision on this point was directly in the teeth of the obvious meaning of the statute. But when Judge-made law and statute law come into collision the latter too often goes to the wall; and I have shown what Lord Neaves' interpretation of the right of appeal under 20 *Geo. II.*, cap. 43 is, because it strengthens my case, and renders more urgent than ever the necessity for such an extension of the time during which appeals may be competent, as is proposed in this Bill. Before leaving this point, it may be as well to correct an impression which a sentence of Lord Neaves, which I have quoted, might leave upon the mind of the House. The learned Lord speaks of a man lying in prison, being perfectly well able to appeal under the statute of 20 *Geo. II.* As I have shown, the rules which regulate the management of prisons in Scotland render this practically impossible; for, according to them, a convicted prisoner cannot receive any visit, nor write or receive more than one letter during,

the first three months of his imprisonment. But a hon. and learned Friend of mine, a Member of this House, said to me—"What is the use of granting the right of appeal against a sentence of imprisonment after it has been undergone?" My reply is, that the Act of 20 George II., as it at present stands, grants that right of appeal, and very plainly suggests the reason for so doing. For under it, any man who has been unjustly imprisoned for any period less than 25 days must bring his appeal after his term of punishment has expired. Moreover, according to it, provision is made not merely for serving the adverse party with the appeal, but "for serving in like manner the inferior Judge himself, in case the appeal shall contain any conclusion against him by way of censure or reparation of damages for alleged wilful injustice." The reason, therefore, for allowing these appeals under the Act of 20 George II. is clearly not only, in cases where that is possible, to prevent unnecessary hardship being suffered through the operation of an unjust sentence, but when that sentence has been completed to allow the injured party to clear his character by the annulment of the conviction recorded against him, and to obtain reparation of damages at the hands of those from whom he has suffered wilful injustice. The importance of the last object, not only to the injured party, but to every one concerned in the purity of the administration of justice in our inferior Courts, is obvious, and the importance of providing for the revision, and, if it appears proper, the reversal of sentences in such cases as are dealt with under this Act, is equally obvious if it be remembered that as long as the conviction stands it is practically impossible to obtain reparation for injury suffered under it, by a civil suit. This constitutes my case for the extension of the time during which appeals under 20 Geo. II., cap. 43, shall be competent. What I propose is that they shall be timeously made if lodged at any time during the currency of the sentence, or within 14 days after its expiration—and I make this proposition with the view of converting what is at present, in those cases where the most wrong has been suffered, but the shadow of a right into a reality—with a view of abolishing that legal fiction which at present gives a convicted prisoner the right of appeal,

Dr. C. Cameron

while the prison rules effectually prevent his availing himself of it. The 2nd clause of the Bill now before the House is intended to enlarge the ground on which appeals from the Inferior Courts to the High Court of Justiciary are competent. Originally the powers of review of the Supreme Court were unrestricted; but it has comparatively of late years become the fashion in various statutes with which the provisions for appeals of the Act to which I have so often referred have been incorporated, to limit the grounds on which they can be exercised. In a number of cases these are now so limited as to apply only to cases where the injustice of a sentence has not only been manifest, but where it has arisen through the wilful act of the Judge. Thus, in the General Police (Scotland) Act of 1862, and in the Glasgow Police Act, the only ground on which an appeal from the magistrate's decision is competent are (1) corruption, malice, or oppression on the part of the Judge; (2) such deviation in point of form from the statutory enactments as the Court of Review shall think took place wilfully; and (3) incompetency, including defect of jurisdiction. What I propose is to add that an appeal against a sentence shall be competent whenever the Court of Review shall consider that the proceedings under which that sentence was pronounced were so conducted as not to afford the appellant a fair trial. It may be objected that the words in this Bill are such as would allow the Court of Review a very wide discretion. Such, I do not conceal, is their object; but I do not think they would allow it a wider general discretion than that which is already allowed it in different directions even by the various restrictive enactments. Thus, it does not allow a wider discretion than is allowed the Court in the interpretation of what constitutes oppression, a term which, elastic as it is, is sometimes stretched to its very limits of expansion in order to allow the Court to get into a case when an obvious injustice has been done, but which technical difficulties hedge round against the exercise of appeal. Again, in the Small Debt Act, Section 31, appeals are allowed in the case of such deviation of form from statutory enactments as the Court shall think took place wilfully, and prevented substantial justice from

being done. Now, this is precisely analogous in point of the discretion allowed, and almost of the language used with what is proposed in this Bill. In both cases the Court of Review is left to determine, in the one case, whether the wilful deviation from forms has prevented substantial justice from being done; and, in the other, whether the proceedings were so conducted as not to afford the appellant a fair trial; and in each case it has it in its power to remit to the local sheriff, or some other commissioner, the task of inquiring into, and reporting on, the one preliminary point or the other. Having disposed of this objection, let us now consider a few cases which illustrate the necessity of the extension proposed in this Bill. In the first place we have the Mackenzie case, to which I referred at some length in connection with the proposed extension of time for lodging appeals. There, as we have seen, the prisoner was afflicted with such an impediment in his speech as rendered him when at all excited unintelligible to everyone except his wife, and those whom habit had enabled almost to read his thoughts. His wife, who had seen the whole transaction, and who came to Court to speak for him, and who in his case was really as essential to the elucidation of any explanation which he had to make as an interpreter would have been in the case of a mute or a foreigner, was prevented by the officer in charge from entering the public Court. The prisoner was not even supplied with a copy of the charge against him, and knew nothing of its particulars beyond what he could gather from having hurriedly read over to him a long document, couched in unintelligibly technical language, and encumbered with a mass of technical details. He pleaded guilty, intending to add to allowing the old woman to go away with the pieces of stick. His stammer prevented him from gasping out more than the word which was interpreted as guilty, and he was forthwith sentenced to 30 days' imprisonment. Now, Sir, as the law at present stands, under the words of the Glasgow and of the General Police Act, the oppression which has occurred, not being oppression on the part of the Judge, would not justify an appeal. At the same time, it will hardly be denied that in the interests of justice it is desirable that a sentence pronounced under

such circumstances should be capable of being appealed against. This is precisely one of those cases where the Court of Review, if this Bill passes, would have a wise and desirable discretion allowed it, and an appeal would be competent if the proceedings under which the sentence had been pronounced were such as in its opinion not to afford the appellant a fair trial. Another Glasgow case which forcibly illustrates the necessity for the extension of the grounds of appeal which I propose is that of *Gray v. M'Gill* which is reported in *Irvine's Justiciary Report*, vol. 3, p. 29. In this case the appellant, a boy of eight years of age, was taken out of bed in his father's house, after his father had left home for his work, hurried to the police office, tried, convicted, and ordered to be flogged; and in accordance with his sentence received 20 stripes all within a few hours, and before his father could even be communicated with. In this case the sentence was quashed because of certain irregularities appearing *ex facie* of the written record of the proceedings; but on the main facts of the case, Lord Ivory said—

"The complainer is a child, his father was known—a householder in Glasgow. The child was, in the absence of the father, tried and punished with reckless haste. I would abstain from placing my judgment on this ground:"

and the two learned Lords who were sitting with Lord Ivory concurred with him as to the grounds on which the judgment should rest. It would thus appear that under the existing law there could have been no appeal, unless for the accident of these formal irregularities. I maintain that it is most undesirable that this right of appeal, in such a case, should depend upon an accident, and what I propose is, that if in a case like this the Court of Review considered that the proceedings at the trial were so conducted as not to afford the appellant a fair trial, irrespective altogether of points of form, it should have the power to hear the appeal. Another case which also occurred among my own constituency, and I am done. In November last a woman of loose character was assaulted. A fortnight later she gave a lad named Gilmour, aged 16, the only son of a respectable widow, in charge of the police for having committed the assault. This occurred on a Saturday night. On the following day the mother learned

through some one who had seen the arrest what had taken place. She at once went to the Police Office where her son was locked up, but the officer on duty positively refused to allow her to see him. On the following morning she went to the Court; but, although, according to the words of an appeal which was afterwards raised, she remained at the entrance of the Court from half-past 8 in the morning till 1 in the afternoon, she was positively refused admission till the Court was over. Meanwhile the lad, who, from his age and inexperience, was naturally unable to conduct his own defence, and who, in consequence of his mother being kept out of Court, was unable to communicate with witnesses, who he maintains could have proved his innocence, was sentenced to 60 days' imprisonment. An appeal was taken in the case, and the matter came before the Glasgow Circuit Court only last week, when it was held by the Court that as there had been no oppression on the part of the Judge, the sentence could not be reviewed. Now, assuming these statements to be correct, I think that there can be little question but that in this case the proceedings were so conducted as not to afford the prisoner a fair trial; and what I contend for is that in such cases the mitigation or reversal of an unjust sentence, pronounced under circumstances for which the Judge himself is not to blame, shall not be left to the chance of a legal quibble, or pronounced altogether incompetent, as at this moment it is; but that in such cases as those which I have described the Court of Justiciary should have power, should it think fit, to review the decision of the inferior Court. And now, Sir, having fully described the scope and objects of the Bill before the House, I have only to move its second reading.

Mr. FRASER MACKINTOSH, in seconding the Motion, said, he had much pleasure in supporting the Bill of his hon. Friend the Member for Glasgow. That was a subject which excited much interest among a large and intelligent class of the Scottish community, for it related to the proper administration of the criminal laws, than which nothing could be more important. In ancient times the central Regal power being weak in Scotland, it was found necessary in charters and grants of regality, barony, and others, to include criminal jurisdiction

powers. These were often the instruments of intolerable wrongs, and in the reign of Charles II., in 1672—a reign which, he might observe, had generally been regarded as one in which the exercise of arbitrary powers was a matter of constant occurrence—was established the High Court of Justiciary, the supreme tribunal in criminal procedure. When he spoke of that Court, he meant whether it sat at Edinburgh, or on circuit. Notwithstanding occasional instances of abuse, it could be truly said of the High Court that its records were of an honourable character, and it had often proved the safeguard of those falsely accused, and the terror of inferior evil-doers. The right of reviewing inferior Court sentences was, as had been clearly pointed out by his hon. Friend the Member for Glasgow, put on a distinct footing by the Act of 20 Geo. II., cap. 43, passed in the year 1747, and from that period until well on in this century, the rights of review thereby constituted were fully taken advantage of, and the High Court *ex nobili officio*, by a train of decisions, came to establish for itself the very widest power of review. The rules laid down by the Act of Geo. II., when population was more scanty, and crime perhaps not so common, were sufficient for the time; but as towns and cities grew in population, and local Acts of Parliament came to be applied for, for police and other purposes, Provisoes that the sentences pronounced under these special Acts should be subject to no Court of review whatever, except on very limited grounds, almost impossible of proof, became common, and thus the rights of appeal were so narrowed and hampered as to become almost useless for any good purpose. It had for some time been obvious to those who had studied the subject, that the provisions of the Act of George II., with regard to appeals, had become inapplicable, in consequence of the restrictions he had referred to in special Acts, the altered state of population in large cities, and the rules laid down for the management of prisons and prisoners. The illustrations, striking and apposite, which had been given by his hon. Friend the Member for Glasgow, of the hardships under the present law, sufficiently demonstrated that position, and showed that the present law was insufficient in many cases to afford justice. It was one of the

boasts of civilization that, as it advanced, so did the freedom of the individual, and they were proud to think that in no country in the world was there less danger than in their own—that if there were a wrong committed, it could not be righted. The Bill was a studiously moderate one; it did not in the least facilitate unnecessary appeals, nor strike at the stability of sound decisions; but it certainly gave to the ignorant and unfortunate, and to those innocently charged, opportunities of redressing wrong which they did not then possess. They contended for the correctness of the principles involved, and if the right hon. and learned Lord Advocate was of opinion that the wording of some of the clauses of the Bill might be amended with advantage, that could be done in Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Dr. Charles Cameron.*)

MR. MONTGOMERIE said, he did not intend to move the rejection of the Bill; but it was very undesirable to multiply Bills on subjects of the kind; and as the Lord Advocate had a Bill on a cognate, or rather the very same subject, he would suggest to the hon. Member for Glasgow (*Dr. Cameron*) that his object might be attained by the introduction of Amendments on that measure. He was not prepared to admit as facts all the statements made by the hon. Member for Glasgow—they must be regarded as simply *ex parte* statements, although, for the purpose of argument, he was willing to assume that they were true. In regard to the Mackenzie-Bannerman case, he regretted that the Court had not seen its way to go into the facts, and the 1st clause of the Bill before the House would probably meet such a case. Some of the cases which had been referred to seemed to turn upon the police, or the officers of the Court having exceeded their duty by preventing the friends of persons accused from entering the Court. Such cases could scarcely be provided by any alteration of the law. All Courts were open, and those who could have assisted the accused had a right to be present in Court. These were matters for regulation by the magistrates not for legislation. He, himself, had no wish whatever to stand in the way of appeals from the Inferior to the

Supreme Court; but they must take care not to encourage frivolous appeals on trifling points, which were apt to be raised by ingenious lawyers, but would not bear argument in Court, and were only calculated to add great expenses to the punishment their clients had already suffered. He thought the most objectionable part of the Bill was the 2nd clause, which, in his opinion, opened the door to appeals of the kind to which he had referred. Cases had been stated where the police were accused of having influenced parties to plead guilty. In cases of this kind, it was the duty of the Judge to take the matter up. He would move that the Bill be not read now.

MR. SPEAKER: Does the hon. Member propose an Amendment?

MR. MONTGOMERIE thought the matter had better be left in the hands of the Government, and would therefore move its rejection.

SIR WILLIAM EDMONSTONE seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Montgomerie.*)

Question proposed, "That the word 'now' stand part of the Question."

SIR GEORGE CAMPBELL said, he had had a long experience of judicial business—not much in his own country—but, to some extent, in England; and a great deal in another country, where appeals were carried to excess. That being his position, he had listened attentively to the hon. Member for Glasgow (*Dr. Cameron*), and his impression was that he had not made out a sufficient case. Though appeals were in many cases necessary and expedient, they might be carried too far, and, as had been said by the hon. Member who moved the rejection of the Bill, there was a danger of giving too much encouragement to appeals of a frivolous nature, which might be got up by members of the legal profession. Not one case of practical injustice for want of an appeal had been made out by the hon. Member for Glasgow, and a good deal of what he said went to prove other things than those with which the Bill dealt. He had referred to cases in which injustice had been done by unpaid magistrates and the police, but he had given no single

case in which justice had been thwarted by the existing limitations of the right of appeal. Even in the Mackenzie case, the injustice which had been done was eventually set aside. Therefore, he could not see that a case had been made out for the Bill; and considering the undesirableness of encouraging appeals, and the proneness of his countrymen to litigation, he did not think we should too much facilitate litigation. At the same time, he thought much might be said in favour of the 2nd clause, which would enable a prisoner to appeal on any serious irregularity in the trial. Inasmuch, however, as the Lord Advocate had a Bill on the same subject, he thought the hon. Member for Glasgow might withdraw his, and let the whole matter be considered when the Government measure came on.

THE LORD ADVOCATE said, he thoroughly agreed with the remark that it was desirable there should not be too many Bills in regard to small matters. Though the Bill he himself had prepared and brought in did not propose to deal with the points brought out in the present discussion, still those points could all be raised when they were dealing with that measure. He thought when hon. Members had time to peruse it—and he regretted it had not been ready earlier—they would find that ample provisions were made for the review of the decisions of the Inferior Courts, at least in regard to matters which involved questions of law and not of fact; but he confessed he had not addressed himself to the peculiar forms of appeal which arose in cases like those which had been referred to. It would, however, as he had said before, be perfectly competent to discuss all matters connected with the subject when they got to Committee on his Bill. Certainly his desire was that there should be fair play given to all the people of this country in regard to the administration of criminal justice, and his wish was to have as satisfactory a review as possible on matters of this kind, in regard to which, he was aware, considerable interest was felt by the working classes throughout the country. He understood the hon. Member for Glasgow (Dr. Cameron) had introduced this Bill in consequence of the discussions which arose as to the Mackenzie-Bannerman case. It appeared that it was alleged

that Bailie Bannerman, who tried that case, was interested in the contract at which the prisoner was working, but inquiries he had made satisfied him that he was not. At the same time, his son was interested in it, and he admitted that it would have been advisable for Bailie Bannerman to have abstained from sitting on the case. Still he was quite entitled to do so, and it appeared that the case came before him while he was presiding magistrate for the week. The offence which the man committed was not a very serious one, and probably an admonition might have satisfied justice, but a different sentence was pronounced, and he was sent to prison. An appeal was got up on his behalf, but as there was not sufficient time to enable it to be brought on at the Circuit Court, it was sent to the High Court of Justiciary. Now, it happened that there was no provision for such appeals in the High Court of Justiciary; but the course that he (the Lord Advocate) thought should have been followed was to wait for the next sitting of the Circuit Court. At the same time, he thought it desirable to make it competent to go to the High Court of Justiciary as well as to the Circuit Court, which would remove the possibility of any miscarriage of justice, and he would introduce Amendments into his Bill with this view. He would suggest that the hon. Member should rest satisfied with having raised that discussion, and instead of pursuing the Bill further, to wait to see the Amendments he (the Lord Advocate) proposed to make in the Government measure.

MR. FARLEY LEITH said, that this discussion had opened up a question of great importance, and he was glad to hear the Lord Advocate proposed to deal with it. The point, however, was whether the appeals should be confined to questions of law, or whether they should be extended to irregularity of procedure which might work injustice to the prisoner. He would suggest that the hon. Member for Glasgow (Dr. Cameron) should withdraw his Bill, on the understanding that the Lord Advocate would do something to meet his views.

SIR EDWARD COLEBROOKE said, he would admit that it was undesirable to have many Bills on matters of this kind; but still, as the hon. Member for Glasgow had made out a fair case for

an alteration of the law, he hoped the House would not refuse to read a second time the Bill before them. Considering that its principle had been generally approved of, he thought the best way would be to read it a second time, and leave it to be determined afterwards how the principle should be carried out, on the understanding that it should not be placed in rivalry with the measure of the Lord Advocate. The right hon. and learned Lord said he had several Amendments to propose in his Bill, and as it was desirable to have that Bill before them in as complete a manner as possible, the provisions of this Bill might in Committee be introduced into the Lord Advocate's Bill.

DR. C. CAMERON said, he had simply introduced the measure to remedy what appeared to him to be an injustice in the present system, and if the right hon. and learned Lord Advocate would take the matter up that would meet the end he had in view. Though he was willing to withdraw the Bill, he thought, with all deference to the right hon. and learned Lord, that the proper course would be to read it a second time *pro forma*, and postpone its further consideration until the Government could state what they proposed to do in their own measure.

MR. RAMSAY thought there was a general concurrence of opinion in favour of the principle of the Bill, and therefore he would appeal to the right hon. and learned Lord Advocate to agree to the second reading, and then the Committee could be postponed to a time that would allow the Lord Advocate's Bill to be brought forward, and let them see how far it met the case in point. He thought the House would stultify itself if it rejected the Bill, when it was really in favour of its principle.

MR. M'LAREN approved of the suggestion. In late years there had been many Bills read a second time with the consent of the Government on former occasions, although they partly objected to them. In the present case the Lord Advocate was substantially in favour of the principle of the Bill, and therefore he hoped he would not oppose the second reading.

MR. MONTGOMERIE said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

THE LORD ADVOCATE said, he would not oppose the second reading, on the understanding that he did not pledge himself to accept the details of the Bill, because it was difficult to carry out matters of the kind in legislation; the matter, however, should receive his best consideration. The course he thought would be the best to follow was to postpone the Committee on the present Bill till June. He mentioned that time because the 4th of May was fixed for his Bill; and some 10 days or so would be required to make Amendments in the direction of the main objects proposed in the measure they were discussing.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for Tuesday 1st June.

SHERIFF COURTS (SCOTLAND) BILL.

(Mr. Anderson, Colonel Mure, Mr. M'Lagan.)

[BILL 21.] SECOND READING.

Order for Second Reading read.

MR. ANDERSON, in moving that the Bill be now read a second time, said, that at present the state of the law was this—that a sheriff might try any case, of whatever magnitude, so long as it affected only pecuniary or personal property; but if in any case there was involved what in Scotland was called heritable right, which was the same as real estate in England, it became necessary, however small the amount, to take it out of the hands of the sheriff, and hand it over to the Supreme Courts at Edinburgh. This amounted practically to a denial of justice to many persons who were too poor to go to Edinburgh to get their cases tried. He believed the feeling in the country generally was in favour of the Bill, the only exceptions being the lawyers of Edinburgh, who naturally did not want their work taken away from them. He, however, thought they had forgotten the large number of cases which were never tried, because of the expense of going to Edinburgh. He had the testimony of the sheriff of Lanark, who had a large experience in these matters, to say that the present state of the law amounted to a denial of justice in such cases, and therefore he thought he would have no difficulty in getting the House to agree to the second reading. However, within the last few days

the right hon. and learned Lord Advocate had given them a Bill dealing with this very question, and so far as he (Mr. Anderson) had read it, he would be perfectly satisfied with it; but time would require to be given to the country to see whether it approved of it, as it dealt with many other points besides that which he had raised. Under those circumstances, he would suggest that the same course should be followed as in the last case. If Scotland had perfect confidence that the right hon. and learned Lord really meant to pass his Bill, he (Mr. Anderson) might withdraw the one before the House. The Scotch newspapers did not hesitate to say the Government measure was not intended to pass at all this Session; but he firmly believed that it was the intention of the right hon. and learned Lord to pass it, but he might not have sufficient time, and judging by the way Scotch business had been systematically shelved by the present, and still more by the preceding Government, it was not impossible that obstacles might be allowed to get in the way. He would therefore suggest that the House should agree to the second reading, and he would postpone the Committee until June. In fact, the only difference between the right hon. and learned Lord and himself was, that while he (Mr. Anderson) proposed to remit all cases of heritable right to the sheriffs, without limit as to amount, the right hon. and learned Lord proposed to introduce a limit of £1,000. He would not be at all disposed to fall out with him about that. His only reason for abandoning any limit was that it occurred to him that there might be a preliminary litigation to ascertain the value of a subject, which would be of itself a very inconvenient thing to have; and he thought that as there was no limit in regard to actions in which personal property was involved, there equally seemed to be no great occasion for a limit in the case of real estate. But he would be perfectly content to adopt the limit of £1,000 proposed by the right hon. and learned Lord. The hon. Member concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Anderson.*)

SIR GRAHAM MONTGOMERY said, contrary to what the hon. Member for Glasgow (Mr. Anderson) had

stated, he did not think the House should take the same course with reference to this Bill as it had taken with regard to the last measure. The hon. Member himself, if he understood him rightly, had said that if he thought the right hon. and learned Lord Advocate had a chance of passing his Bill, he (Mr. Anderson) would not think of pressing his; but he should like to know what chance the hon. Member had in that case of passing his Bill, and after such an admission by him, he (Sir Graham Montgomery) saw no good reason for reading it a second time. Now, the whole subject had been reported on by a Royal Commission, and the Bill of the Lord Advocate dealt with the whole question; whereas that of the hon. Member for Glasgow really only dealt with a fragmentary portion of it; and, under these circumstances, he thought the House would do well to reject it.

SIR GEORGE CAMPBELL said, he hoped that the House would, in regard to the Bill, follow the same course as that which it took upon the last measure, and for very much the same reason—namely, that the Bill of the hon. Member for Glasgow (Mr. Anderson) affirmed a principle as to which they were all generally agreed. Indeed, his only objection to the measure was that it was not wide enough in its scope. He thought that a Bill of the kind ought to deal with the appointment of sheriffs, and when he spoke of the sheriffs, he referred more especially to the sheriff's substitute. Hon. Members from Scotland were aware that by far the larger part of business of Scotland was performed by the sheriff's substitute, who were already with regard to jurisdiction, both criminal and civil, in a considerably higher position and exercising larger functions than that occupied by the County Court Judges in England. Now, if that greatly extended jurisdiction were to be given to them, their position, if allowed to remain unaltered, would be a most anomalous one. They were nominated, not by the Crown as the Representative of the people, but by individuals—namely, the sheriffs of counties, while they received far less salaries than those paid to County Court Judges in England. It seemed to him that a Bill which proposed to extend the jurisdiction of the sheriffs substitute should also deal with the mode of appointing them and with their salaries.

Mr. Anderson

SIR EDWARD COLEBROOKE said, that the Bill stood undoubtedly in a position somewhat analogous to that of the last measure, and he hardly thought that the House could consistently reject it on the second reading. To do so would be to deny a principle which the House generally assented to. He might say further that the Bill came before them supported, not merely by the authority of the sheriff of Lanark, but by that of a Commission which, after inquiring into the subject, recommended that the jurisdiction of the Sheriff Courts should be extended to cases of heritable right. But while saying that much in favour of the Bill, he must, at the same time, say that while that Commission sanctioned the principle of extending the jurisdiction of the Sheriff Courts to those cases, they did so subject to a very important qualification, in addition to that as to value which the right hon. and learned Lord Advocate had introduced into his Bill. The Commission considered that the defender should be enabled to carry his case up to a higher Court at once, and that no case should be decided in the Sheriff Court without the consent of both parties. If both these principles were embodied in the Bill of the Government, he (Sir Edward Colebrooke) did not see why there need be any great limit to the sheriffs' jurisdiction. If, on the other hand, it was considered desirable to introduce a principle of limitation, he thought that the same principle which applied to cases of small value in regard to personal property might be made in certain cases to apply to heritable right. He trusted that the right hon. and learned Lord would consider the matter, and say whether it would be necessary to introduce the principle of limitation. Although many of the questions involved in the consideration of the subject were of a legal and technical character, which it was not in the power of laymen like himself to decide, yet he thought that Scotch Members might with advantage resort to their little Parliament to consider these matters, and fortified with the advantage of the opinions of the profession, and armed with such criticisms as they received from the different learned bodies in Scotland, he did not despair of seeing these wholesome attempts at legislation finally and speedily accomplished.

MR. DALRYMPLE said, that although the hon. Baronet who had just sat down spoke with an authority on the subject to which he (Mr. Dalrymple) could not lay claim, yet he thought that that was a question which would be much better discussed in that House than in a Scotch Parliament. He had risen to suggest that instead of the House being asked to read the Bill a second time, the hon. Member for Glasgow (Mr. Anderson) should withdraw it. He could not admit that the case for the Bill was on all-fours with that for the last measure. It seemed to him that the two Bills stood upon a totally different footing; because in the case of the first Bill, a point was raised which was not contained in the measure of the right hon. and learned Lord Advocate, consequently some advantage was gained by reading it a second time; whereas, in this instance, the hon. Member for Glasgow himself admitted that the point dealt with in his measure was embraced in the Bill brought forward by the Government. His hon. Friend had, in his capacity of private Member, been singularly fortunate in passing Bills through that House, and therefore if he consented to withdraw the Bill there need be no risk of his *amour propre* being injured. On the contrary, he might take credit to himself for having embodied in this measure a principle which was contained in what might be called a Government Bill, and under all the circumstances he would suggest to his hon. Friend that he should not press the measure to a second reading.

MR. ORR-EWING said, that as the principle of the Bill was not contested, he did not see why the hon. Member for Glasgow (Mr. Anderson) should be placed in a worse position than his hon. Colleague (Dr. Cameron), whose Bill had been read a second time. He agreed with the hon. Member for Kirkcaldy Burghs (Sir George Campbell) that both sheriffs-depute and substitute were at present placed in a false and anomalous position. Duty after duty had been heaped upon these gentlemen, and yet nothing had been done in the way of augmentation of their salaries. He was therefore afraid that the interests of these gentlemen, who occupied a high position in Scotland, did not receive that justice from Her Majesty's Government to which they were entitled, simply because hon.

Members in their good nature did not persevere in pressing their just and reasonable demands upon the attention of the Government.

MR. M'LAREN said, he was in the peculiar position with regard to the Bill, that while he entirely approved of the sheriffs having jurisdiction over the heritable subjects of small value, he was altogether opposed to giving them unlimited power to deal with the larger properties in Scotland. He thought it would be an exceedingly rash thing to give them such a power. In fact, it would be putting them in an equal position to that of the Judges of the Supreme Courts of Scotland. He knew a little about most of the sheriffs-substitute that had been appointed during the last 30 or 40 years—not personally, but by report. He knew that many of them were able men, and that some of them, according to general report, were more able lawyers than their superiors—the sheriffs-principal; but he knew also that many young men were appointed sheriffs-substitute, who had not succeeded in earning a living in their own professions, and who were not supposed to be possessed of a great deal of law, though no doubt they had a great deal of honesty of purpose. He would object altogether to giving these gentlemen this very extensive power, though he admitted that it was desirable to give them jurisdiction in small cases. He thought the limit of £1,000 which the Lord Advocate's Bill fixed was a reasonable one, and if this Bill were pressed to a division, he should feel bound to vote against it.

MR. M'LAGAN said, he must presume that hon. Members would vote for the second reading of the Government Bill when it came before them, and, if so, they would be stultifying themselves that day if they refused to read a second time this measure, which embodied a similar principle. He therefore joined in the appeal which had been addressed to the right hon. and learned Lord Advocate to allow the Bill to be read a second time, and then to postpone the Committee until after the Government Bill had received the assent of the House. He agreed with what had been said by the hon. Member for Dumbarton (Mr. Orr-Ewing) concerning the sheriffs-depute and sheriffs-substitute. It was high time that their case was taken into

consideration. Year after year fresh duties were being imposed upon these learned gentlemen, but no increase was made to their salaries, and he was not at all surprised at the dissatisfaction which had been expressed. Repeatedly, deputations had waited upon the Scotch Members urging upon them the justice of increasing the salaries of the sheriffs-substitute in accordance with the recommendation of the Commission, and he trusted that these representations would be favourably considered by the right hon. and learned Lord. He would only say that, whether the House agreed to the second reading of the Bill or not, he approved most cordially of its principle. He did not think that one Petition had been presented against it, while hundreds had been presented in its favour.

MR. VANS AGNEW said, he was unable to concur in the observations of the hon. Member for Linlithgowshire. The Bill which the House was asked to read a second time was to give unlimited jurisdiction to the Sheriff Courts of Scotland over heritable property, and he agreed most fully with the hon. Member for Edinburgh (Mr. M'Laren) that it would be very dangerous to give such a power to an inferior court, such as the Sheriff Courts in Scotland. If they affirmed the principle of the Bill, they affirmed the principle that unlimited power ought to be given to these Courts over the largest estates in Scotland. He hoped the House would not do that, but wait for the measure which the Government had laid on the Table. The House had been informed that provision was being made to extend the jurisdiction of the Sheriff Courts in a manner which he believed the whole House would consider to be safe and reasonable, and the hon. Member who had charge of this Bill, and who asked them to affirm this unlimited jurisdiction, did not complain of that jurisdiction being limited to £1,000. It seemed, therefore, that the hon. Gentleman was not very much in love with the principle of his own Bill, when he was willing to cut it down from an untold limit to £1,000 of heritable value. With respect to the salaries of the sheriffs-substitute, his experience did not concur with what had fallen from several hon. Members on that subject. Within his own recollection, the salary of the sheriff-substitute in his district had been very nearly doubled, and

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he believed that the same might be said in regard to those officials in other counties in Scotland. Moreover, in many cases, by a change in the limits of jurisdiction, the salaries had been made more commensurate with the duties performed.

GENERAL SIR GEORGE BALFOUR said, that an important question contained in the Bill was its extension to heritable property. All agreed with the recommendations of the Royal Commission in extending the jurisdiction of the Sheriffs' Courts, and only differed as to its amount, but that was only a matter of detail, on which the hon. Member for Glasgow (Mr. Anderson) was willing to leave to be settled in Committee. He congratulated the right hon. and learned Lord Advocate on the honour which he would acquire in having taken up this great and useful reform, and with having dealt with it so comprehensively in the Bill which he had presented to the House; but, at the same time, he would appeal to him to allow the present Bill to be read a second time on condition that, whenever his own Bill passed through a second reading, the hon. Member for Glasgow would at once drop his. The question which the right hon. and learned Lord had taken up was a very large question, and it was one which he (Sir George Balfour) had in vain endeavoured to induce the late Lord Advocate to take up. The present right hon. and learned Lord would give great satisfaction to the people of Scotland if he should succeed in inducing the Government to improve the position, whilst extending in this useful manner the jurisdiction of the sheriffs-substitute.

MR. MARK STEWART, while expressing his satisfaction at the announcement that the right hon. and learned Lord Advocate intended to deal with the subject, hoped he would not give his assent to the second reading of the Bill; because he (Mr. Stewart) felt convinced that if he did so, it would go forth that the Government were going to give great power and authority to these gentlemen, and although their decisions might be approved of in certain cases, yet there were many instances in which these decisions had been revoked and rescinded, and in which they had not given that satisfaction which he should have liked them to have given. He fully concurred in the remarks which had been made on both sides of the House with regard to

increasing the remuneration at present given to sheriffs-substitute, and he trusted that that point would not be overlooked when the Bill of the right hon. and learned Lord came on for discussion. Hon. Members were very much divided in opinion upon the principle of the Bill, and he therefore hoped the hon. Member for Glasgow (Mr. Anderson) would withdraw it.

MR. CAMPBELL - BANNERMAN trusted that the learned Lord would consent to the second reading of the Bill, on the understanding that had pervaded almost every speech that had been made on the subject. The hon. Gentleman who had just sat down was afraid that there might be a misunderstanding in the country if the Bill were to be read a second time. Fortunately, however, the hon. Member for Cavan (Mr. Biggar) had not exercised his right of noticing the presence of Strangers; and as far as his (Mr. Campbell-Bannerman's) experience went, the reports of debates in the newspapers were much more widely read than the Bills which came before the House. Not only were Bills not read in the country, but they were often discussed in that House at considerable length, without the preliminary process of reading them having been gone through. He thought, therefore, that if the House consented to the second reading, no misunderstanding was likely to arise. The debate would show to the country that there was a substantial agreement that heritable jurisdiction should be conferred upon the sheriffs, and that was the principle of the Bill. The only question was as to its amount.

MR. RAMSAY said, that however important the question of an increase of the salaries of sheriffs-substitute might be—and he thought it was eminently deserving of attention—it could only be properly dealt with when the right hon. and learned Lord had time to take up the whole subject of the constitution of these Courts. If hon. Members would take the trouble to look over the judicial statistics of the business that came before these Courts, they would see that the State was paying for the services of learned gentlemen in various places where very few cases indeed of importance came before them. He conceived, therefore, that this was not the proper occasion on which they should press upon

the Government the consideration of an increase in the salaries of these officers.

THE LORD ADVOCATE said, that appeals having been made to him to allow the Bill to be read a second time, he might be permitted to appeal to the hon. Member for Glasgow (Mr. Anderson) to withdraw it, inasmuch as it was admitted that his (the Lord Advocate's) Bill comprehended the principle which was enunciated in the present measure. It had, moreover, been conceded that he had drawn a fair limit in the matter of the heritable jurisdiction to be conferred on the sheriffs. The hon. Member for Glasgow knew that he (the Lord Advocate) had never stood in the way of his passing measures which he had thought fit to promote, but, on the contrary, that he had given to the hon. Member every assistance possible; and, under these circumstances, he would suggest that this Bill should be withdrawn. It had been brought forward, he supposed, as a sort of spur or stimulus to him. If so, he could only say that the question had engaged his attention during the autumn; but, unfortunately, illness, which prevented him from attending to business during the early part of this year, had prevented him from bringing forward the Bill sooner. He would remark, as a further reason for his hon. Friend withdrawing his Bill, that it was his intention to press forward the Bill which he had introduced, and he saw no reason why it should not pass. He did not understand that it would meet with much opposition. Although he unfortunately did not number among his supporters a majority of the Members for Scotland, yet his experience was that he had not much difficulty in getting through Scotch business. An additional reason for withdrawing this Bill was that it was a mere skeleton Bill. It confirmed the proposition in the Preamble, but it had no provisions for carrying that out, and remitted the formation of rules to the Court of Session. He did not think that was the proper course to adopt. He thought the proper course was that the Bill should contain the opinions of the House as to the way in which the principle should be carried out. He would further suggest that it was not unbecoming in him to ask that this Bill should be withdrawn, seeing that in the last case he did give way,

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and an hon. Gentleman had said it was a bad practice, for which the Home Secretary was to blame. He was afraid that if he were in this instance to follow the same course, he might get credit for giving way too easily, and he would suggest, therefore, that there should be a withdrawal of the Bill. When he brought his measure forward, he should be ready to give every consideration to any Amendments which might be suggested.

MR. ANDERSON said, the right hon. and learned Lord thought that, having given way in the last case, he ought not to be asked to do so in this.

MR. SPEAKER said, he would remind the hon. Member that he was not entitled to make a second speech. He might, however, explain to the House the course which he proposed to take.

MR. ANDERSON said, he was aware that, as the rejection of the Bill had not been moved, he was not entitled to a reply; but he was only going to say that, as suggested by the hon. Member for Bute, he had no reason to feel that his *amour propre* would be hurt by withdrawing the Bill. On the contrary, he was only too pleased to find that its principle had been taken up by the Government; because, in that case, he knew it would meet with attention, and as the right hon. and learned Lord had said it was his full intention to press on his measure, he would therefore withdraw the one before the House.

Motion, by leave, *withdrawn*.

Bill *withdrawn*.

LICENSING COURTS APPEAL (SCOTLAND) BILL—[BILL 68.]

(*Mr. Anderson, Mr. M'Lagan, Mr. Cowan.*)

SECOND READING.

Order for Second Reading read.

MR. ANDERSON, in moving that the Bill be now read the second time, said, its object was to amend the licensing appeal system, which in Scotland was very bad indeed, and he would state at short length what the present system was, and what were the evils of it. The present system was, that the appeal should be from the licensing magistrates to the justices of the peace in quarter sessions, and as the battle lay between the publicans on the one hand and the teetotallers on the other, in a very large

proportion of the cases the decisions of the magistrates were appealed against. It appeared to be considered by both parties that the original decision was a very secondary matter, and that the real battle had to be fought, not before the licensing magistrates, but in the appeal Court. It had consequently become the practice in a number of counties for the parties interested to canvass the justices and induce them to go down to the appeal Courts and vote in a given direction. So notorious was it that that was done that both parties went even beyond canvassing, and he had been told, on authority he could not question, that justices of the peace had been known to take presents in the shape of railway tickets or the payment of their hotel bills for going down to vote on a certain side. He submitted that when things got to that extent, when appeals were not decided on their merits, but on corrupt principles and according to which side had made the most vigorous canvass, the appeal became in reality a scandal and a farce, and ought to be got rid of. He believed there were no two opinions on that subject. No hon. Member of the House would contend that the present system was one that could be supported, or that it ought to be tolerated any longer. The only point on which there could be discussion was as to the nature of the remedy. He had taken great pains to find out what would be the most likely remedy to meet the admitted evils. It had been suggested to him that the justices should appoint licensing committees; but he had felt obliged to give that idea up, because he could not see any way in which a committee of justices could be appointed without the same evils springing up as existed now. The committee would, of course, be constituted of men holding the views of the majority of the justices, and that would not be an arrangement to give satisfaction and confidence. After great consideration, he had come to the conclusion that what was wanted was a Court of Appeal that would have a local knowledge sufficient to judge of every case on its merits, and at the same time to be above local prejudices and beyond the slightest suspicion of being open to corruption. They must be superior to canvassing, and must accept no railway tickets or hotel bills, nor, as had been done in some cases, presents of whisky.

[*Laughter.*] The hon. Baronet near him (Sir Edward Colebrooke) smiled as if that were a doubtful statement; but he assured him the thing was perfectly notorious even in the county of which he (Sir Edward Colebrooke) was Lord Lieutenant. The remedy which he (Mr. Anderson) proposed was to make the sheriff and the sheriffs-substitute the Court of Appeal. Those officials were looked up to by everybody in Scotland, and there would not be the slightest suspicion of corruption or of anything but fair-play between the parties in the decisions they might give. Strange as it might seem, the parties he had expected to support him in the Bill—the parties who wished to restrict the issue of licences, had held aloof altogether, and some of them, he understood, intended even to oppose him; but, to his surprise, the party he had expected to oppose him most strongly—namely, the party representing the publican interest—had very cordially accepted it as a fair compromise. The other party opposed him, because they thought there should be no appeal at all from the magistrates. The publicans, however, very reasonably said—“We must have an appeal—if we don’t, there will undoubtedly be injustice done.” Another strong ground why there should be an appeal was, that if there were no such appeal, every municipal election would become, far more than it was at present, a contest between the two rival parties on the liquor question. That matter already entered into municipal contests so far as to be an evil. More important matters were lost sight of, and a man’s election or rejection depended on whether or not he was a teetotaller, and if that system were encouraged by the abolition of appeals, they would have in some towns what would please the hon. Baronet the Member for Carlisle—namely, town councils composed entirely of teetotallers; but, in other towns, they would be composed exclusively of publicans, which would not please the hon. Baronet so well. It was perfectly impossible to do away with appeals; it would not be fair to either party, nor good for the interests of the public to do so. He understood the Lord Provost of Glasgow objected to the Bill because he thought it would be derogatory to the dignity of burgh magistrates to have their decisions in any way subjected to the review of sheriffs or sheriffs-

substitute. He had great respect for the burgh magistrates generally, and for the Lord Provost in particular, believing they performed responsible and thankless duties in an admirable manner; but he could not see that it took away from their dignity to have their decisions reviewed by such a Court of Appeal as he had suggested. He should dismiss that objection, therefore, as untenable. If they had no Court of Appeal, such a thing might happen as took place the other day at Dundee, where the magistrates assembled and decided beforehand not to hear cases on their merits at all, but to refuse every application for a new licence, and the renewal of licences to men who held more than one. That was a clear case of going beyond the statute, and was a specimen of the unfair and illegal things which might be done if there were no appeal. The only reasonable objection he had heard to the sheriffs as a Court of Appeal was that the matters they would have to deal with were not confined to legal points, but involved questions of administration and discretion. He had mentioned that objection to the sheriff of Lanarkshire, who said he considered it no objection at all—that his office was to a great extent an administrative one, and that while he thought there were grounds for objecting to the Bill, he could not regard that as one of them. The sheriffs had not been slow to assert the importance of their office from an administrative point of view when they wanted larger salaries, and it was rightly considered that their duties were largely administrative. No doubt, many of the sheriffs were opposed to the Bill, because they expected it would throw on them a large amount of work, but he anticipated nothing of the kind. The sheriffs, having the same desire as the magistrates to preserve peace and order, would generally affirm their decisions; but, at the same time, would be able to prevent any injustice like that perpetrated the other day at Dundee. He believed the extra work thrown on the sheriffs would after a time be very limited indeed, and they would be looked up to with universal confidence; and as there was some talk of giving them larger salaries, there ought not to be any objection to a little more work. He would not further detain the House. He thought he had shown, in the first place, that the present system was intolerable;

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in the next place, that they wanted a Court of Appeal, which should have sufficient local knowledge, and yet be above possible corruption, or above any small local prejudices. He thought he had also shown that they could get that in the Sheriffs Courts, and that it would not be for the good of the community, or fair to the community, to abolish appeals altogether, because it would turn municipal elections into a battle-ground between the teetotallers and the publicans, and that certainly would not be for the good of the community. Although he had chosen what he believed to be the best Court of Appeal that could be got, he freely admitted that there were some objections to it; and he was not so wedded to it as not to be prepared to accept some modification if hon. Members could point out any better arrangement in Committee; but the main principle of his Bill was, that the present Court of Appeal was entirely unsatisfactory, and should be changed. He would conclude by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Anderson.*)

SIR EDWARD COLEBROOKE said, he could not believe the charges of corruption which had been made, for had it existed to anything like the extent represented, he must have heard of it, as it would have been represented to him by the authorities. He certainly did hear some statement about a few magistrates dining at the expense of some of the parties applying for a licence and that was a serious charge, no doubt; but it was made in such vague terms, that he could take no notice of it. The hon. Member having made these charges, should inquire more fully into them, and if they were found to be true, he would like to see the matter brought before the Home Secretary; for if the statements were true, nothing could be more discreditable or more likely to shake public confidence in the administration of justice. If, however, they were not true, he hoped the hon. Member would have the grace to tell the House that they were false. He would admit the unsatisfactory nature of the present Court of Appeal, but could not agree that the sheriffs were the proper parties to throw the duty upon. It would be in-

consistent with their other work, and it was very undesirable they should be mixed up in local squabbles, which could only tend to interfere with the dignified performance of their higher duties as the administrators of justice. In that way, imputations would be heaped upon them tending to bring discredit upon their tribunal. As Judges of the land it was very much to their interest to stand aloof from local questions, and it was far better that duties of this kind should be discharged by bodies who could bring to bear local knowledge. In the boroughs there was a tendency to take extreme views; but, on the whole, it would be better to continue the present system rather than adopt the sheriffs as a Court of Appeal. Besides, there was the less need to call on them to perform this work, because they had a remedy already lying at their feet. The numerous body constituting the Court of quarter sessions should delegate their functions to a committee, and that would meet the necessities of the case and remove the existing evils. It was a course which had already been recommended by several Parliamentary Committees which had considered the matter, and it had already been adopted in English counties under the last Licensing Act. He cordially concurred with the hon. Member as to the necessity of having some appeal, because there was far more danger in Scotland than in England of justice running wild. The people took stronger views, and were more likely to run into extremes. In conclusion, he must again regret that his hon. Friend should have made such general and serious charges against the magistrates, for the appointment of some of whom he (Sir Edward Colebrooke) was personally responsible. He should vote against the second reading of the Bill.

MR. ORR-EWING said, there was no doubt that there was a grievance in Scotland on the question. They had no appeal Court at all, for it was merely an appeal to the same justices who had originally decided the question. The hon. Baronet the Member for Lanarkshire had repudiated the accusations which, for his own part, he (Mr. Orr-Ewing) had seen more than once in the papers, but he had never seen any official contradiction of it. By the Bill it was proposed to have an appeal Court for the counties, but there was no alteration

proposed for the burghs. Now, it was in the burghs where the greatest evils existed, and he thought the hon. Member for Glasgow would do well to confine the Bill to the burghs, and leave the Government to deal with the counties. They could fancy that there would be no better constituted body than the magistrates, who were responsible for the peace and good government of the city, to grant these licences. Take Glasgow. The decisions of the magistrates of Glasgow were subjected on appeal to the justices of the county of Lanark, who were not interested in Glasgow, and who came under circumstances as described by the hon. Member; and these justices decided what licences should be granted to music-halls and dancing saloons. This was a most unsatisfactory state of things. He did not think that it would be right to delegate a certain portion of the magistrates to hear appeals. He believed the sheriffs would be the best Court of Appeal so far as the burghs were concerned, and therefore he should support the second reading of the Bill.

MR. M'LAREN said, he had for the last 30 or 40 years paid great attention to licensing, and he certainly did not agree with those who had so many faults to find with the present system. He would, however, admit that it was very unsatisfactory, the magistrates who decided the appeals being often not cognizant of the merits of the case. The most dangerous state of things in public or private affairs was when parties came forward and said "something must be done," without knowing what. If the something was done, they often got deeper into the mire. Until something could be done which was certain to be an improvement, he held that nothing should be done. So far from this Bill effecting any improvement, he believed it would be a great evil if it were passed into law. The sheriffs objected to being made the Court of Appeal, because it was imposing a duty upon them foreign to their office, and they said that, for the due exercise of that power, they would require local knowledge as to the requirements of the towns and villages within their jurisdiction which they did not at present possess; and, on the other hand, they affirmed that such knowledge was possessed by the justices of the peace

who were drawn from all districts of the country in which the jurisdiction was exercised; and, lastly, they said that if this duty was thrown upon them it would tend to impair the administration of justice. He coincided with the suggestion of the hon. Baronet the Member for Lanarkshire that the Courts of quarter sessions should appoint a small licensing committee, say of four, and he would make the further suggestion that no decision of the local magistrates should be reversed except with the concurrence of three out of the four members of the committee, as was the rule with the Judges of the Supreme Courts. He thought that would afford a fair presumption that there had been no miscarriage of justice. It was not so much a question of law to decide as of fact. All the old Licensing Acts said that licences were to be given, not to everyone qualified according to law, but "to such number of persons as the magistrates shall think meet and convenient in each locality." It was a question of discretion; and who was so well qualified to decide as the magistrates of a borough or the justices of a county? To prevent the four magistrates or justices being selected on grounds of partisanship, he would have the names of all the magistrates present at the Court of quarter sessions put into an urn, and the first four drawn out should constitute the committee. They would thus obtain a fair and impartial court of appeal. He had many other objections to urge, but he had said quite sufficient to show that he opposed the Bill.

MR. MARK STEWART said, if the hon. Member for Edinburgh (Mr. M'Laren) would move the rejection of the Bill he would second it. It appeared to him that the question was one of very great importance to the country, and that it ought to be taken up by the Government, as there could be no doubt that some alteration of the Licensing Acts was imperatively called for. He had had some experience of quarter sessions both in England and Scotland, and he felt that the practical effect of the measure would be to throw upon the sheriff an odium that no Judge ought to incur. As he had said, the question ought to be taken up by the Government, and although he could not suppose, in the crowded state of Public Business, it could be taken up this Ses-

sion, still he hoped the debate would not be futile in eliciting some expression on the part of the Government, or in drawing their attention to the fact how great and important the question was in the eyes of the people of Scotland. The suggestion thrown out as regarded the selection of a certain number of magistrates to form a committee in order to adjudicate in licensing appeals would not hold good in burghs, where the number of magistrates was not large enough to inspire confidence in the selection. It had been said that there were too many public-houses in burghs, but the excessive number of public-houses had not sprung up within the last few years. On the contrary, there had been recently a decided disposition to reduce the number of public-houses, and the number of licences granted had been very few. He should, for his own part, be glad to co-operate in any measure which would still further diminish the number of public-houses; but he did not believe that the Bill, if passed, would produce the effect which the hon. Member for Glasgow desired.

MR. M'LAGAN thought any system would be better than the present one, and he noticed that every one who had spoken had approved of the principle of the Bill. Everyone, too, considered the present circumstances unsatisfactory, and that there ought to be a change. The Preamble of the Bill did not ask for the appointment of sheriffs, but it simply stated that the present state of things was very unsatisfactory, and that it was necessary to have a change. He believed that a better amendment of the law could be made than was proposed in the Bill; and he had no doubt that in Committee the hon. Member for Glasgow would be ready to assent to any Amendment which would render its provisions more entirely satisfactory. For his own part, he must say that he preferred the constitution of the Court of Licensing Appeal as proposed by the Commission of 1860 to that proposed by the Bill. That Commission suggested that a committee of justices should be formed to hear appeals. In many places, public-houses were now forced upon the inhabitants of towns by packed benches of magistrates—he would not say by corrupt, but by facile magistrates. That would not be the case if the Bill passed, and he should therefore vote for the second reading, reserving

to himself the right to support Amendments on its provisions in Committee.

SIR GRAHAM MONTGOMERY thought the Bill had been introduced in consequence of some local grievance which the hon. Member for Glasgow had in reference to the administration of the laws in licensing appeals by the justices in the lower ward of Lanarkshire. He objected to go into Committee on the Bill with a view to substitute an entirely different Court of Appeal from that which it proposed to establish. He thought it would be very unwise to transfer the appeal from the justices to the sheriff. At the same time, he thought it would be expedient that appeals should be heard by a committee selected but not by ballot, from the justices, instead of by the bench at large, as was the case at present. Although he did not object that the sheriff or sheriffs-substitute should preside over such a committee, he could not consent to transfer to them alone the whole power now exercised by the magistrates.

MR. RAMSAY said, that on the ground that the present system was very unsatisfactory, and that some remedy was required, he should vote for the second reading, if the hon. Member should go to a division. The principle of the Bill was not that the licensing appeals should necessarily be transferred to the sheriff, but that a new licensing Court of Appeal should be constituted. The true course would be to pass the second reading, and then amend the constitution of the proposed Court of Appeal in Committee. A change in the present system was certainly required, for, as it was, the decisions of the local justices were often overruled by magistrates from other parts of the country who knew little of the merits of the question. He had known a case in which the decision to refuse a licence by four local magistrates had been reversed by two justices at quarter sessions, one being the sheriff. The licence was granted, though the local magistrates considered that it should be refused, and though the proprietor of the house himself had requested by letter that it should be withheld. Nothing more anomalous than that could be pointed out in order to induce the House to provide some remedy.

SIR WILLIAM EDMONSTONE said, he strongly objected to an appeal being

allowed from the decision of magistrates to the sheriffs of the county. His duties, as a justice, with regard to licences had been of a disagreeable nature; he would be very glad to be relieved of those duties, but it would be intolerable that the decision of county magistrates should be reversed, or liable to be reversed, by a Sheriff Court. He strongly objected to the Bill, and if the hon. Member for Edinburgh (Mr. M'Laren) would make a Motion, he would support the rejection of it.

DR. C. CAMERON said, that as his hon. Colleague (Mr. Anderson) had expressed his determination to carry the matter to a division, he felt it incumbent upon him to explain why he would vote against the second reading of the Bill. The measure contained no such provision as that which had been recognized and adopted by Parliament in respect to licensing appeals in England, and which did away entirely with appeals from the decisions of the local magistrates in all applications for new licences. Now, the Bill before the House proposed to place all appeals in the hands of the sheriffs. It was not a novel proposal, as it had come under the consideration of the Royal Commissioners in 1859, and they had not only reported against it, but also against what might be described as a much milder suggestion in the same direction—namely, that the sheriffs should be *ex officio* members of the Licensing Appeal Court, which the Commissioners recommended should be appointed. Since these Commissioners reported, the law relating to appeals had been altered in England, and the suggestion of the Commissioners that a Licensing Appeal Court should be formed had been accepted; it was accepted also with this further important addition, as he had just explained, that no appeal should be allowed from the local justices in the case of refusal on application for a new licence. That was really a matter of much greater importance than the question of the constitution of the Appeal Court. A Return, which had been laid before the House last Session, showed that in Glasgow, within three years, 150 licences had been granted by the county justices over the heads of the city magistrates. The reason why the measure of his hon. Friend, therefore, met with the opposition of the Good Templars and of the Executive Committee of the Permissive

Bill Association in Scotland was, that they feared that it would be a means of saddling permanently upon that country a mode of dealing with licensing appeals which was far behind the system adopted in England, and for that reason he (Dr. Cameron) was prepared to vote against the second reading.

MR. VANS AGNEW said, that he should consider it his duty to vote against the second reading of the Bill. He believed that its principle was not merely that there should be a better licensing Court, but that the appeals should be taken from the justices of the county, who had local knowledge, and given to the sheriff and his substitutes. He objected to that. He granted that the present system afforded room for improvement. He had sat for more than 30 years as a licensing magistrate, and a magistrate hearing appeals. He had sat at quarter sessions with a bare quorum of three magistrates, when an appeal had often come from a decision of a unanimous bench of magistrates, and he was always sorry when these questions of licensing came before them. Under those circumstances—knowing that he was ignorant of many local details bearing upon the cases—he had always felt it his duty not to interfere with the decision of the magistrates; but he thought it was hard on the magistrates of burghs, who knew their own town and its circumstances, for them to feel that their decisions were liable to be reversed by another set of justices who happened to meet in the county town on the day of quarter sessions. He thought it very desirable that such a contingency should be obviated. In reference to the Bill itself, the proposal to refer appeals to the sheriffs would not improve the condition of affairs. They could not have the local knowledge required in each particular case. Besides, he found that it would be possible for the decision of the sheriff, who might be in the right, to be overruled by his two subordinates, whom he had himself appointed. The sheriffs themselves objected strongly to have this duty thrown upon them, and urged that it was quite foreign to the discharge of their official duties. They were appointed to decide upon questions of law, not matters of expediency such as the granting of licences; and they thought that it would be better that the system of throwing the decision

of such questions upon a licensing committee should be adopted in Scotland as it was in England. In Scotland it happened very often that an appeal would be heard by a smaller number of magistrates than the Court which had granted or refused the licence. There might in some cases be strong pressure put upon the magistrates to refuse or to grant licences; but he believed that the mode in which it was proposed by this Bill to meet that possible danger would neither be satisfactory to the magistrates nor to the people of Scotland. He thought the suggestion thrown out that there should be a licensing committee sitting as a Court of Appeal was one worthy of attention, and he should be very glad to see it carried out. If possible, the sheriff of the county might be placed upon the committee, and if that were done, he thought they would have arrived at a very fair arrangement, by which the matter would be put on a much better footing than it was at present.

MR. MONTGOMERIE said, that it seemed to be admitted on all hands that licensing appeals should not be abandoned, but he did not think the Bill had pointed out the right course that should be adopted. If, as was stated, the sheriffs objected to the Bill, he thought all the more would the sheriffs-substitute object, for they lived on the spot, and they would dislike to be mixed up in private squabbles about licences. Several speakers had suggested the appointment of a committee of justices to quarter sessions, and he could not see why there should be any difficulty in adopting this suggestion. The county of which he had the honour of representing, a division was divided into districts for licensing and other purposes. From these district courts there was an appeal to quarter sessions. Let the justices meeting in quarter sessions appoint a committee composed of those best qualified for the duty, to be assisted by a magistrate chosen from each of the district courts, who would give the committee the benefit of their local knowledge, and, at the same time, guarantee thorough impartiality in hearing appeals. He believed that in that way disputed questions arising in any particular district would be satisfactorily settled, and, if such a provision were introduced in any Bill on the subject, he would support it. There was not the

least occasion for that committee to dispose of any case at the moment. They might sit from time to time, according to circumstances. One objection to the sheriffs would be that they would be inclined to grant licences simply because the applicant bore an unimpeached character. The sheriff would say—"He is a respectable man, and I am prepared to grant him a licence." He did not think that would be satisfactory, although, at the same time, he thought it would be very desirable to get rid of the present system of canvassing the magistrates. A great deal had been said about the opinion of the sheriff of Lanarkshire, and it seemed to him that on the present occasion they were asked to upset the whole system of licensing for the simple purpose of providing a new licensing Court for the city of Glasgow. Notwithstanding the high authority of the sheriff of Lanarkshire—whom he knew to be a most excellent man and able lawyer—although he did not know that he had any other special qualifications as a licensing magistrate—as to the necessity for the change proposed, he did not think they were bound to pass the Bill.

THE LORD ADVOCATE said, there were many inconveniences connected with the matter of licensing appeals, especially as far as regarded a large community like that of Glasgow, and he thought it desirable that there should be some change in the present system. But he was quite opposed to the substitute suggested by the Bill, for it would be quite inconsistent with the recognized principles of local administration in such affairs that the opinions of the magistrates of such a place as Glasgow should be overruled by the opinion of a sheriff and a sheriff-substitute, which was really what was proposed by that measure. The sheriffs were unwilling to have imposed on them such a duty, not because of the additional work, which would not be very much, but because it would introduce them into disputes with reference to social and temperance questions from which it was very desirable they should be kept free, in order that they should maintain their judicial position. In Scotland the question of temperance probably occupied a larger share of public discussion than it did in England, and they were told that the selection of members of municipalities depended upon

the opinion on that subject held by candidates. If that were the case, how very unfortunate it would be if the sheriffs and sheriffs-substitute should be subjected to the opposition of a certain party, because of their judgments in the licensing Court. The question had been under the consideration of the House before. It was also considered in 1870 by a Commission who were in favour of the appointment of a committee of justices as a committee of appeal to be nominated by a general meeting of the justices; and in the Licensing Act passed for England in 1872 there was a provision for the appointment of a licensing committee composed of justices, annually nominated, and he thought that in the case of Scotland it might be well to have some such committee, dealing, however, with the large towns in a somewhat different manner from the small towns. In small towns and remote districts such questions could best be determined by those who had local knowledge, and even in such large cities as Glasgow and Edinburgh, they would be better dealt with by a licensing committee of magistrates than by the sheriffs. He could not assent to the Bill; but, without pledging the Government to the introduction of a measure that Session, he would promise that the question of the licensing Courts in Scotland should be dealt with at the earliest opportunity.

MR. ANDERSON was about to reply, when—

MR. SPEAKER said, the hon. Member would be out of Order in making a second speech.

MR. ANDERSON said, that no formal Motion for the rejection of the Bill having been made, he was deprived of the opportunity of reply, but he must trouble the House to divide.

SIR WILFRID LAWSON said, the debate had hitherto been confined entirely to Scotch Members, and it might go on for a considerable time longer, as those hon. Gentlemen kept dropping into the House. In the meantime, he desired to say a few words. He was very glad to see the hon. Member for Glasgow (Mr. Anderson) had taken up the part of a temperance reformer, and was endeavouring to improve the licensing system, from which they all suffered so much. The debate had been particularly pleasing to him, because almost every hon. Member who had got up had made

a speech in favour of the Permissive Bill. He must, however, look at this Bill from his own point of view, and that point of view was, that all the facilities which were afforded for drinking were very dangerous to the people, and were the cause of a great amount of the misery which existed among them, and in that frame of mind he should support any measure which went in the direction of removing such dangers. The only question he had to consider, therefore, was whether this Bill, if carried, was likely to diminish those dangers. There had been great diversity of opinion expressed on the subject. The Scotch Members were generally supposed to agree better among themselves than the Irish Members did; but, on the present occasion, the variety of opinion they had expressed was rather perplexing. For his own part, he could not see why the Scotch law on the subject should be different from the law of England, and what he would suggest was that the law of Scotland should be made the same as that of England, and that there should be no appeal from a refusal to grant a new licence. If an Amendment to that effect was introduced in the Bill when in Committee he would vote for the second reading now. Apart from that question, the Bill was of trifling importance, and the general opinion seemed to be that it would make things worse rather than better. Before sitting down, he wished to refer to a matter to which he almost felt that it was his duty to call the attention of the Speaker, and to ask him whether it was not a breach of Privilege—only they had breach of Privilege questions almost every day now. He referred to a note addressed to the Members of the House signed by the Secretary to the United Licensed Victuallers, Protection Society for England, Ireland, and Scotland, which was couched in the most insolent terms—

“ Sir,—Please to be in your place in the House of Commons on Wednesday, the 28th of April, to vote for the Licensing Appeal Bill for Scotland, to be brought forward on that day by the hon. Member for Glasgow, Mr. Anderson.”

Why, that was language which they could not have dared to address to their own potboys, and he protested against the audacity of dictating to hon. Gentlemen what course they should adopt in dealing with the question. He felt that it almost amounted to a breach of Privi-

lege, but he would not be too hard upon them, and would not call upon the Speaker to decide that it was so. He simply called attention to the fact that that note was signed by the Secretary to the proprietors of all the drinking establishments of the United Kingdom. He scarcely liked to vote in such company; but on the condition he had stated as to an Amendment, and on the old principle that half a loaf was better than no bread, he would, as he said, vote for the second reading.

. Question put.

The House *divided*:—Ayes 99; Noes 176: Majority 77.

CHURCH RATES ABOLITION (SCOTLAND) BILL.—[BILL 26.]

(*Mr. M'Laren, Dr. Charles Cameron, Mr. Baxter, Mr. Trevelyan, Mr. Grieve, Mr. Laing, Sir George Balfour.*)

SECOND READING.

Order for Second Reading read.

MR. M'LAREN, in rising to move that the Bill be now read the second time, said, that, looking at the time of day—4.15, P.M.—and the importance of the question, he should be unjust to hon. Members holding opinions different from his own if he made a long speech. He should, therefore, be brief, in order to give those who were opposed to his views an equal time with himself. Lest any hon. Member of the House might suppose he had been anxious to bring this question forward, he begged to say he had done everything in his power to induce the Government to bring a Bill themselves. When the question was brought before the House last Session, nearly all the Members who spoke on his side of the House urged the Government to bring in a measure of their own. With that sentiment he cordially concurred, expressing, at the same time, his opinion that it was not a question which a private Member could carry, but was a question which could only be carried by the Government. It had been said that he and his hon. Friends who supported him were anxious to bring this question before the House with a desire to make political capital. If any hon. Member thought that of him, he was much mistaken. The people of Scotland intensely felt the grievance under which they now laboured. The

Sir Wilfrid Lawson

hon. and gallant Member for South Ayrshire (Colonel Alexander) proposed last Session, in an able speech, views which he (Mr. M'Laren) now ventured to bring forward in his Bill. The hon. and gallant Member said, the Resolution he then proposed pledged the House to find a remedy for the existing state of things, and asked the Lord Advocate to undertake the duty. The hon. Member for Dumbarton (Mr. Orr-Ewing), who seconded, expressed similar views. Again, the hon. Baronet the Member for Peebles-shire (Sir Graham Montgomery) said, that a disagreeable feeling undoubtedly did prevail in Scotland with regard to this question; and he thought no Member of the House more competent to deal with it than the right hon. and learned Gentleman the Lord Advocate. Hon. Members on both sides of the House urged the Government to bring in a Bill on this subject; and before he (Mr. M'Laren) replied, the hon. Member for Linlithgow (Mr. M'Lagan) told him that if he would not insist on a division, the Lord Advocate would publicly pledge himself to bring in a Bill next Session. He then said he should be willing to withdraw his Bill on that assurance. What, then, did the Lord Advocate do, as the Representative of the Government? The right hon. and learned Gentleman said—

"It shall be my endeavour to bring in next Session such a Bill as will meet, if possible, the difficulties which have been stated in the course of this discussion If it does not give complete satisfaction, I hope it will at least approach that result. Under the circumstances, I trust my hon. and gallant Friend, to whose industry and information we are so much indebted, will not press his Resolution, and that the hon. Member for Edinburgh will withdraw a Bill which, in any case, could not usefully be proceeded with during the short period that remains of the present Session."—[3 *Hansard*, ccxx. 1322.]

In place of making a long speech in reply, he (Mr. M'Laren) said only a few words—that after the statement of the right hon. and learned Lord Advocate, that he intended to bring a Bill, he should be quite content to leave the matter in the hands of Her Majesty's Government, because he admitted it was a question which ought to be dealt with by them rather than by a private Member. That was how the question stood at the end of last Session of Parliament. At the commencement of the present Session he was, unfortu-

nately, through illness, unable to be in his place, but the hon. Member for Glasgow (Dr. Cameron) was good enough to introduce the Bill, and he then told the hon. Member that whatever might be the chance of his ballot for an early day, he was not to fix one within two months of the commencement of the Session, in order to give the Lord Advocate time to bring in his Bill. At a later day, he put a Notice on the Paper to ask what day that Bill would be brought in, and before it came on, his right hon. and learned Friend asked him to postpone the Question some little time, as he had not yet got instructions from the Cabinet. He did postpone the Question, and he postponed the second reading until that day, when nearly one-half of the Session was passed. He said this, not to upbraid his right hon. and learned Friend in the matter, but to show that he had not been pressing the measure unduly on the House. On the contrary, he had been most anxious that the Government should take it up, and he would give them every possible facility in his power. Having made that preliminary explanation, he must revert to some of the objections which were made last Session regarding the Bill. He had obtained facts since that time to show that these objections were ill-founded. He might state some of the alleged cases of hardship. Excessive rates had been levied on poor people, as he would show by the result of careful inquiries made by competent authority. In the case of the Orkney and Shetland Islands, which he particularly dwelt upon, it was denied that there were hardships he had stated. He had mentioned one case where the rate levied was 12s. 5d. in the pound. Doubts were thrown on that fact; now, he had most undoubted authority for stating that the rate of 12s. 5d. in the pound was levied in one of those Shetland parishes, and the Free Church minister whose manse and garden were rated at £15 9s., was assessed at £9 16s. In Orkney he heard also, from a gentleman of undoubted authority, that the heritors of St. Andrews—six miles from Kirkwall—had just built a manse for the minister of that parish at a cost of £655, and office-houses £210—in all, £865. A handsome sum to pay for the accommodation of a minister having, according to his own showing, not more than 45 communicants. Most of the people in the parish preferred walk-

ing a distance of six miles to Kirkwall, and had done so for 40 or 50 years, rather than worship in the parish church. In the parish of Lady in the Island of Sanday, a manse, &c., had been put up at a cost of over £700. The Rev. John Dangerfield, the minister of this parish, said he had 25 communicants; the average attendance at his church was about 12, and never exceeded 24; while in the immediate neighbourhood the Dissenting Churches were attended—the Free Church by 300 persons, and the United Presbyterian Church by 500, the membership of the former being returned to the General Assembly as 358, and of the latter to the United Presbyterian Synod as 507. Rather than build a new manse the heritors of the parish of Evie had, during the past few months, put repairs costing £469 upon the manse. The average attendance at the parish church of Evie was not more than 90, while that of the Free Church congregation, almost next door, considerably exceeded 200. Indeed, the membership of the Free Church was given at 265, while that of the Established Church for the combined parishes of Evie and Rendal was given in the Return presented to the House of Commons at 213. Was it not hard that poor people who supported their own ministers should be fleeced for ministers of the Established Church? It was called the Church of Scotland, but it was not the Church of Scotland in any sense whatever, more particularly in those parishes; for as he had shown the congregations there were in most instances smaller than those in the Free Church. With one other case, and one only, he would trouble the House, because it was one that was particularly used last Session. In the course of the debate last Session, a statement was made to the effect that the Clerk of the Cairston Presbytery had informed the hon. and gallant Member for South Ayrshire that the manse of Harray, which had cost the heritors £1,800, had cost so much in consequence of the heritors having disputed among themselves, and further, that Lord Zetland had paid almost half the amount. He (Mr. M'Laren) had made inquiry into this matter, and found that the buildings did actually cost the heritors £1,800; that there was no dispute among them, except in so far as the parish minister, who was also a land-

owner in the parish, desired, along with the Presbytery, to compel the heritors to build a manse which would have cost nearly £3,000. This the heritors refused to do. The Presbytery were afraid to go into Court, and the compromise of £1,800 was agreed to. Lord Zetland acted along with the other heritors all through in this matter, and simply paid his legal proportion of the cost; the other proprietors, chiefly very small and poor, had many of them to sell their pigs and cows to meet this most iniquitous demand. A case such as that showed how much existed of hardship and injustice which ought to be remedied. The hon. Member for the Falkirk Burghs (Mr. Ramsay) last year went fully into the origin and incidence of this question. He showed that church rates in Scotland were optional under the Act of 1649 just as much as church rates in England were optional; but that in course of time it became otherwise. He showed also that the Parliament of Scotland imposed a maximum amount, that no more than £83 6s. 8d. should be imposed for erecting a manse; but by a decision of the Courts in Edinburgh—Judge-made law—the sum was raised to £1,000, or more, as might be thought fit from time to time. Even if a man's house was rated at only £4 a-year, he was legally liable for his share, under the present law as interpreted by the Courts, for erecting a manse for the minister of the parish. When it was said that the cases of the two countries were not exactly the same, let him remind hon. Members that in England the incumbent was not entitled to a manse at all at the cost of the people. He was bound to pay for keeping up his dwelling himself, and if he left it in a dilapidated state, his successor could proceed against his heirs, and compel them to put it in a proper condition. All the Scotch ministers had to do was to declare the manse was not in a proper state, and they could get an assessment to put it right. One great evil had been the extension of this Act to small proprietors—feuars, as they were called—in Scotland. It was not intended, but was so construed owing to the ambiguity of an Act passed for regulating the mode of defining assessments in 1856. It enacted that no burden should be imposed on any man, or on any property which was not formerly

Mr. M'Laren

legally imposed in respect of the property; but one clause provided that all assessments thereafter should be levied in conformity with this new valuation, and, in practice, the latter clause had been held to overcome the former. If a declaratory Act were passed, stating what was the real effect of the Act of 1856, all the smaller people would be exempted. His right hon. and learned Friend had said the passing of this Bill would have disendowed the parish ministers, by depriving them of a portion of their income. He (Mr. M'Laren) begged altogether to deny that impression. All the Bill did was to transcribe the clauses of the English Act passed in 1868. That Act was passed after many years' battles, and although church rates might still be levied, no legal proceedings could be taken to enforce them. What had been the result? Plenty of money had been raised. There was no difficulty at all about the matter; neither would there be in Scotland. One religious body alone, the Free Church, since 1843 had erected 900 churches. There were only about the same number of original parish churches in Scotland altogether. Suppose all these were overthrown in one year by an earthquake, the Church of Scotland would be able to re-erect them for themselves, as were the Free Church congregations. Surely, then, the voluntary efforts of the friends of the Church would be amply sufficient to keep the fabrics in repair. The Free Church had erected nearly as many manses, and besides that they had erected colleges and schools. The United Presbyterian Church also had 500 churches erected at the expense of those worshipping in them. There had never been any difficulty in getting money for those churches, and he presumed there would be no more difficulty with regard to the Establishment. The Church of Scotland was, however, in a decided minority of the people of Scotland. There were disputes whether that Church had one-third or two-fifths. Most people thought two-fifths was nearer the case than one-third, and he doubted whether it came to two-fifths. Taking the attendance on the Census Sunday, the numbers attending the non-Established Churches were about 60 per cent more than those attending the Established Churches. Presuming he had not misstated these facts, he would ask, was it

fair to impose a compulsory rate on poor people who entirely supported their own churches, manses, pastors, and schools, to compel them to contribute towards another Church? His right hon. and learned Friend and various other hon. Members had admitted that was a grievance, and having done all he could himself, he now called upon the Lord Advocate to fulfil his promise and bring in a Bill. He had implicit faith in the good intentions of his right hon. and learned Friend, and he did not believe if it was in his power to do what they desired to be done, it would be left undone. It was the Government which was to blame. He should not further allude to the right hon. Gentleman the Member for the University of Glasgow; but he did say that the Government had entered into an undertaking and had failed to fulfil that undertaking, and the people of Scotland would resent this failure. He begged to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time.—(Mr. M'Laren.)

SIR GRAHAM MONTGOMERY said, the difference between himself and the hon. Member for Edinburgh (Mr. M'Laren) was that, while the latter doubted the promise made by the right hon. and learned Lord Advocate, he (Sir Graham Montgomery) believed the right hon. and learned Gentleman would bring in a Bill. There were difficulties in the way; but if he did not do it this Session, he would do it next. ["Oh, oh!"] He was not without hope they would have it this Session. However this might be, the hon. Member for Edinburgh had elected to proceed with the second reading of his Bill, and he (Sir Graham Montgomery) must state the reasons which induced him to move its rejection. The hon. Gentleman had always proceeded on the assumption that assessments in Scotland were the same as church rates in England. That proposition he entirely denied. He would endeavour to show what church rates were in the early history of England. It was stated that their origin was lost in antiquity, and so great was the uncertainty in reference to church rates in the early history of England, that it was felt necessary to have some definition of the law. The consequence was that 13

learned doctors of civil law met in conclave at Doctors' Commons, and endeavoured to put forth to the country definitions as to church rates, and how they were to be levied. These learned doctors issued several directions, but these, he was sorry to say, in course of time were all pronounced to be wrong by the Courts of Law. He then tried to find a definition of church rates, and he found a book in the Library of the House of Commons which defined that church rates were not a Common Law charge, neither were they a charge on land, neither were they a definite permanent charge, but depended on the pleasure of the vestry. The question came up in 1837, in the Braintree Case, when the vestry would not raise a rate, and the churchwardens proceeded to raise one themselves. This was decided by the Court to be illegal. After that a minority of the vestry proceeded to put on a Church rate, and that also was declared to be illegal. Another authority stated, that the Braintree Case completely altered the law, and that church rates, instead of being a burthen on land, became a voluntary payment dependent on the majority of the ratepayers. For many years after 1837 the question of church rates was debated in that House; and, at length, Parliament decided that, though the vestry might continue to impose the rate, payment should not be compelled. With regard to Scotland, he was quite willing to admit that before the Reformation the laws of the two countries were pretty much the same. The parishioners supported the fabric of the church, and the parson the chancel; but after the Reformation, the two countries proceeded in totally different directions. The church rates in England were voluntary assessments; in Scotland they were a charge upon the land. The highest authority on the subject in Scotland stated that the heritors were bound to provide and maintain the church and manse, and burial-ground, for parishioners. This was done by Acts of the Scotch Parliament in 1572 and 1663. The heritors had no option in this matter. It was a burthen on their land. If they failed to do it, there was power to compel them. It was a power inherited by the Presbyteries of the Church from the Bishops, and if the heritors failed to perform their duties, the Presbyteries could appeal to the Sheriff, and then to

the Court of Session; so that the payment was in no sense voluntary. He thought in what he had said he had succeeded in showing that this burthen fell entirely upon property, and it was not, he thought, a burthen from which the heritors of Scotland should be relieved. They were not seeking to be relieved from that burthen. He had seen the list of Petitions presented in favour of the hon. Member's Bill, and none of them came from the heritors of Scotland, and he was quite sure that they did not seek to be relieved in the manner proposed by the Bill. The question of commutation had been referred to; but, individually, the more he looked at it the more difficulties he saw in that question. If commutation would have the effect of separating the owners of the land from the Church, as he believed it would, he should oppose it on that ground, although he had formerly expressed an opinion in favour of commutation. Of course there were persons in Scotland who objected to compulsory payments for the support of religion; but it appeared to him that those persons were in possession of property bearing legal burthens which they ought in justice to pay, and there surely could be no objection on their part to pay what was really their legal dues. They took their property upon the understanding that they would have to pay them, and why should they be relieved from them? He objected to such a relief being given, and should consequently move the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Sir Graham Montgomery.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. ERNEST NOEL said, he would at once acknowledge that church rates in Scotland were, as a legal matter, on a very different footing from that on which church rates in England had been. In the case of Scotland they were a charge laid upon property, while in England they had been levied upon the individual. But although there was a difference legally, he thought it could be shown that the incidence of the tax became practically the same as it had been in England prior to 1868. So far as church rates were concerned, he

Sir Graham Montgomery

would say that since they had been abolished in England, not the slightest difficulty had been found in accomplishing without them all that had formerly been done with them. Indeed greater facilities were found in raising money for Church purposes, and in his opinion, the same result would happen in Scotland. Not only had it been possible in England to do more than could be done when church rates were compulsory, but the sense of irritation and soreness that had existed was at the same time removed, and he believed that the Church of England was really stronger than it had been before those rates were repealed. He would acknowledge at once that church rates in Scotland were assessed upon the land for the building of manse and the building and repairing of churches, and he would also acknowledge that the heritors generally did not wish to be relieved from these charges; but they had heard from the hon. Gentleman who had just sat down (Sir Graham Montgomery) that the more he inquired into the question the more difficult did he find it to bring about any commutation that would be satisfactory. He (Mr. Noel) ventured, however, to point out to hon. Members who were unacquainted with the subject that, as a tax on the feuars, this assessment fell very heavily, and nearly in the same manner as the old church rates had done in England. A most admirable speech on this subject was delivered by the hon. and gallant Member for South Ayrshire (Colonel Alexander) last Session. It was a speech that should be read by every hon. Member who wished to become acquainted with this subject. That hon. and gallant Member pointed out to the House distinctly that there were three classes of parishes, and he read a list of parishes where there had been no assessment since the memory of man—or, at all events, for a very long time. He then gave the number of parishes where there was no assessment, or where, at all events, it was not paid by the feuars; he also gave cases in which the feuars were assessed, and he quoted instances of parishes in which there had been no assessment—in some for 60 years, some 20 years, and in some none at all. If these discrepancies existed, it did not appear that this was a charge that could be commuted, but one that ought to be removed altogether. When

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religious body and a Christian Church it would find itself much stronger should the feuars be relieved from the burdens imposed upon them.

MR. MARK STEWART said, he could not endorse the principle of the Bill, which he believed was framed in the interests of a comparatively small number of people; but he was ready to admit that there were cases of grievances which ought to be remedied, in some parts of Scotland, and more especially in the Orkney Islands. His own experience, moreover, convinced him that in the majority of cases the Church authorities showed no disposition to impose the rate on people who objected to it. But to say that they were to entirely remove an impost which had been for many years on the land of Scotland, merely to alleviate the evils complained of by a few persons, was a matter which he did not think the House of Commons would sanction. The hon. Member for Edinburgh had said that the Church of Scotland embraced only two-fifths of the people; but he (Mr. Stewart) differed from that statement, and thought there were more people connected with the Established Church than the hon. Member seemed to think. He should like to quote a few statistics. According to the Return of the Registrar General, 82·02 per cent of the people of Scotland were married by the clergy of the three leading Presbyterian Churches. In 1870—the last year, he believed, for which Returns were published—the numbers were 44·76 per cent in the Church Scotland, 22·91 in the Free Church, and 14·35 in the United Presbyterian Church. Then, as regarded education, the Commissioners in their Report for 1867 showed a Church connection of about 2,000,000 out of the 3,000,000 of the population of Scotland, or 81·3 per cent, connected with these three Churches, of which 44·4 per cent were Church of Scotland, 26·1 the Free Church, 10·7 the United Presbyterian, and 10 per cent were unclassified. In the Return given to the General Assembly, in May, 1874, of the adherents of the various Churches, out of a population of 1,704,837 embraced in the Return, 813,149, or 47·7 per cent, belonged to the Established Church. As to the number of communicants, he was speaking from memory, but he believed that in 1871 there were something like 436,000 belonging to the

Established Church, 285,300 to the Free Church, and 165,000 to the United Presbyterian. These figures showed that the Established Church was much stronger than the hon. Member wished to make out. As regarded the Bill, he would repeat that he was perfectly ready to relieve the grievances which were justly complained of, but he was not prepared to give into the hands of the heritors that money, the payment of which they did not at present grudge. They should recollect that the Established Church possessed 1,160 churches throughout the country, and they should also recollect that the present incumbents of parishes had taken their livings believing that their manse, churchyards, and churches would be properly kept up but, if the Bill passed, they would leave those incumbents in a difficult position. That was not a proper thing to do, especially at a time when they were promised a Bill by the Government. As grievances did exist, however, he would willingly give what assistance he could to the settlement of the question on an equitable footing, and he had no hesitation in believing that the Lord Advocate was sincere in his intention to deal with this subject, and therefore he should vote against the Bill.

MR. VANS AGNEW said, he was unwilling that the House should go to a division on the Bill, because they were aware that the Lord Advocate had promised to deal with the subject. He was quite ready to remedy any legitimate grievance which might be complained of, but he could not agree with the remedy proposed in the Bill, and he would therefore rather wait for the measure of his right hon. and learned Friend. He believed his right hon. and learned Friend intended to settle the question not perhaps, entirely in accordance with the wishes of the hon. Member for Edinburgh, but in a manner satisfactory to Scotland generally. He admitted that there existed some hardships with reference to the feuars, and they were all anxious that they should be removed, though not in the manner proposed by the hon. Member for Edinburgh—namely by the total abolition of what he termed church rates. He would not enter at length into the question, but he would point out that church assessments in Scotland were not the same thing as church rates in England; they were, in

fact, more like the tithes than church rates. He thought it would be very much better if they tried to lay their heads together and come to some understanding which would be a practical settlement of the question. He hoped his right hon. and learned Friend would be able to give some pledge that he would be able to bring in a Bill which would settle the matter, and he hoped the House would not be called upon to express an opinion upon the subject then. To abolish the charge according to the terms of the Bill would be to rob the Church of the value of these assessments and put the money into the pockets of the heritors who did not ask for it. It was not the original intention of the law that these feuars should be assessed, and what he would suggest was, that they should revert to the original intention of the law, and let the tax fall upon the land, and if the land had been feued, let the feuar pay upon the ground rent and not upon the houses. If the hon. Member for Edinburgh would accept this settlement, he would get a great deal of what he asked for, and he believed it would remove the grievance which he admitted was at present complained of.

SIR JAMES ELPHINSTONE said, he was of opinion that the Bill was one which it would be best to leave in the hands of the Government. Indeed, it ought not to be dealt with by a private Member at all.

MR. M'LAREN gave Notice that on an early day he would again bring the Bill forward.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

NATIONAL DEBT (SINKING FUND) BILL.

Resolution [April 26] reported and agreed to :—Bill ordered to be brought in by Mr. RAIKES, Mr. CHANCELLOR of the EXCHEQUER, and Mr. WILLIAM HENRY SMITH.

Bill presented, and read the first time. [Bill 142.]

SAVINGS BANKS, POST OFFICE SAVINGS BANKS, AND FRIENDLY SOCIETIES.

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to amend the Act for regulating the investment of the moneys of the Savings Banks, Post Office Savings Banks, and Friendly Societies, and to make provision, out of the Consolidated Fund, for carrying such amendment into effect.

Resolution to be reported *To-morrow*.

VOL. CCXXIII. [THIRD SERIES.]

PIER AND HARBOUR ORDERS CONFIRMATION (NO. 3) BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," relating to Brixham, Carrickfergus, Macduff, and Rosehearty.

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Bill presented, and read the first time. [Bill 143.]

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On Motion of Mr. MORLEY, Bill to enable the Public Works Loan Commissioners to make advances to the limited owners of Entailed Estates for the building, rebuilding, and improvement of Labourers Cottages in Rural Districts, repayable by a Rent-charge upon the Inheritance, and to amend "The Improvement of Land Act, 1864," ordered to be brought in by Mr. MORLEY, Mr. WHITWELL, and Mr. STANHOPE.

Bill presented, and read the first time. [Bill 144.]

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 29th April, 1875.

MINUTES.]—*Sat First in Parliament*—The Lord Lovel and Holland, after the death of his Uncle.

PUBLIC BILLS.—*First Reading*—Bishops Resignation Act (1869) Perpetuation * (74); Explosive Substances * (75); Bank Holidays Act (1871) Extension and Amendment * (76).

Second Reading—Saint Paul's Cathedral (Minor Canonries) (60); (£15,000,000) Consolidated Fund *; Public Health (Scotland) Provisional Order Confirmation (No. 2) * (55); Exeter Union of Benefices (58) * discharged.

Committee—Public Entertainments (Hour of Opening) * (51-77).

Committee—Report—Glebe Lands (Ireland) * (47).

Report—Supreme Court of Judicature Act (1873) Amendment (No. 2) (46); Justices of the Peace Qualification * (72).

ST. PAUL'S CATHEDRAL (MINOR CANONRIES) BILL.—(No. 60.)

(The Lord Bishop of London.)

SECOND READING.

Order of the Day for the Second Reading, read.

learned doctors of civil law met in conclave at Doctors' Commons, and endeavoured to put forth to the country definitions as to church rates, and how they were to be levied. These learned doctors issued several directions, but these, he was sorry to say, in course of time were all pronounced to be wrong by the Courts of Law. He then tried to find a definition of church rates, and he found a book in the Library of the House of Commons which defined that church rates were not a Common Law charge, neither were they a charge on land, neither were they a definite permanent charge, but depended on the pleasure of the vestry. The question came up in 1837, in the Braintree Case, when the vestry would not raise a rate, and the churchwardens proceeded to raise one themselves. This was decided by the Court to be illegal. After that a minority of the vestry proceeded to put on a Church rate, and that also was declared to be illegal. Another authority stated, that the Braintree Case completely altered the law, and that church rates, instead of being a burthen on land, became a voluntary payment dependent on the majority of the ratepayers. For many years after 1837 the question of church rates was debated in that House; and, at length, Parliament decided that, though the vestry might continue to impose the rate, payment should not be compelled. With regard to Scotland, he was quite willing to admit that before the Reformation the laws of the two countries were pretty much the same. The parishioners supported the fabric of the church, and the parson the chancel; but after the Reformation, the two countries proceeded in totally different directions. The church rates in England were voluntary assessments; in Scotland they were a charge upon the land. The highest authority on the subject in Scotland stated that the heritors were bound to provide and maintain the church and manse, and burial-ground, for parishioners. This was done by Acts of the Scotch Parliament in 1572 and 1663. The heritors had no option in this matter. It was a burthen on their land. If they failed to do it, there was power to compel them. It was a power inherited by the Presbyteries of the Church from the Bishops, and if the heritors failed to perform their duties, the Presbyteries could appeal to the Sheriff, and then to

the Court of Session; so that the payment was in no sense voluntary. He thought in what he had said he had succeeded in showing that this burthen fell entirely upon property, and it was not, he thought, a burthen from which the heritors of Scotland should be relieved. They were not seeking to be relieved from that burthen. He had seen the list of Petitions presented in favour of the hon. Member's Bill, and none of them came from the heritors of Scotland, and he was quite sure that they did not seek to be relieved in the manner proposed by the Bill. The question of commutation had been referred to; but, individually, the more he looked at it the more difficulties he saw in that question. If commutation would have the effect of separating the owners of the land from the Church, as he believed it would, he should oppose it on that ground, although he had formerly expressed an opinion in favour of commutation. Of course there were persons in Scotland who objected to compulsory payments for the support of religion; but it appeared to him that those persons were in possession of property bearing legal burthens which they ought in justice to pay, and there surely could be no objection on their part to pay what was really their legal dues. They took their property upon the understanding that they would have to pay them, and why should they be relieved from them? He objected to such a relief being given, and should consequently move the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Sir Graham Montgomery.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. ERNEST NOEL said, he would at once acknowledge that church rates in Scotland were, as a legal matter, on a very different footing from that on which church rates in England had been. In the case of Scotland they were a charge laid upon property, while in England they had been levied upon the individual. But although there was a difference legally, he thought it could be shown that the incidence of the tax became practically the same as it had been in England prior to 1868. So far as church rates were concerned, he

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would say that since they had been abolished in England, not the slightest difficulty had been found in accomplishing without them all that had formerly been done with them. Indeed greater facilities were found in raising money for Church purposes, and in his opinion, the same result would happen in Scotland. Not only had it been possible in England to do more than could be done when church rates were compulsory, but the sense of irritation and soreness that had existed was at the same time removed, and he believed that the Church of England was really stronger than it had been before those rates were repealed. He would acknowledge at once that church rates in Scotland were assessed upon the land for the building of manse and the building and repairing of churches, and he would also acknowledge that the heritors generally did not wish to be relieved from these charges; but they had heard from the hon. Gentleman who had just sat down (Sir Graham Montgomery) that the more he inquired into the question the more difficult did he find it to bring about any commutation that would be satisfactory. He (Mr. Noel) ventured, however, to point out to hon. Members who were unacquainted with the subject that, as a tax on the feuars, this assessment fell very heavily, and nearly in the same manner as the old church rates had done in England. A most admirable speech on this subject was delivered by the hon. and gallant Member for South Ayrshire (Colonel Alexander) last Session. It was a speech that should be read by every hon. Member who wished to become acquainted with this subject. That hon. and gallant Member pointed out to the House distinctly that there were three classes of parishes, and he read a list of parishes where there had been no assessment since the memory of man—or, at all events, for a very long time. He then gave the number of parishes where there was no assessment, or where, at all events, it was not paid by the feuars; he also gave cases in which the feuars were assessed, and he quoted instances of parishes in which there had been no assessment—in some for 60 years, some 20 years, and in some none at all. If these discrepancies existed, it did not appear that this was a charge that could be commuted, but one that ought to be removed altogether. When

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Bill presented, and read the first time. [Bill 142.]

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Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to amend the Act for regulating the investment of the moneys of the Savings Banks, Post Office Savings Banks, and Friendly Societies, and to make provision, out of the Consolidated Fund, for carrying such amendment into effect.

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VOL. CCXXIII. [THIRD SERIES.]

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Report—Supreme Court of Judicature Act (1873) Amendment (No. 2) (46); Justices of the Peace Qualification * (72).

ST. PAUL'S CATHEDRAL (MINOR CANONRIES) BILL.—(No. 60.)

(*The Lord Bishop of London.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE BISHOP OF LONDON, in moving that the Bill be now read the second time, said, that the direct purpose of the Bill was to extend the provisions 3 & 4 *Vict. c. 113*, so as to authorize certain arrangements with reference to the minor canonries in the Cathedral Church of St. Paul; and next to secure the efficient performance of the cathedral services by the appointment to the office of minor canon of men thoroughly competent to perform the duties. The 3 & 4 *Vict. c. 113*, provided that after the passing of that Act there should not be more than six, nor fewer than two minor canons in each cathedral and collegiate church. At that time the minor canons of St. Paul's were 12 in number, and were a body incorporate by a Royal Charter. For this reason, and because no power was given by the Act to deal with the estates of minor corporations, no regulations had been made pursuant to the Act for limiting the number and fixing the emoluments of the minor canons; but excepting as to the last two the vacancies of their canonries had been from time to time filled up. But doubts having arisen as to the legality of these appointments, the Bill had been introduced to remedy the inconveniences that had arisen. It provided that all past appointments to minor canonries were confirmed, and the right of existing minor canonries preserved: it limited the appointment of future minor canons until the number was reduced to six, which was hereafter to be the establishment: they were to continue a body corporate under the old style, and the corporate property was to vest in the corporation. The separate estates of the minor canons were, as they became vacant, to vest in the Ecclesiastical Commissioners for the purpose of their "common fund." The Ecclesiastical Commissioners, on the other hand, were to provide residences for the six minor canons, and were authorized to prepare schemes for regulating the office and duties of minor canons, for their residence, and for their enforced retirement on pension when no longer able to perform their duties. It was to this last provision he referred when he spoke of the Bill as intended to provide for a more efficient performance of the services of the cathedral church. Under the existing arrangements, the minor canons were not compelled and had no

inducement to retire when disabled by age or other circumstances from the efficient performance of their duties. The consequence was that they sometimes continued to hold their appointments long after their retirement had become desirable. In fact, the senior minor canon—a venerable gentleman in every sense of the word—was now 94 years of age. He wished to speak with every respect of the minor canons, and the only fault he could find in them was their tendency to grow old, which was not an uncommon or unpardonable weakness: but when minor canons became old they were no longer able to sing. Three of them at St. Paul's were laid up from various causes; it was more than half-a-century since the senior minor canon had performed service in the cathedral church; another of the minor canons was 70 years of age, and two others were almost entirely incapable of discharging their duties. This condition of affairs would not be desirable at a cathedral in a small city, but it was still less tolerable at St. Paul's, which could no longer be accused of being useless, and was devoted to a most important part of the spiritual work of the present day. On Sunday, besides the early service, which was not choral, there were three full services, attended by congregations varying from 1,000 to 6,000 or 7,000 persons. The week-day services were well attended; while classes and lectures had been established for young men, who formed a large proportion of the residents in the City, as well as lectures for the younger clergy. It was not surprising, therefore, that the Dean and Chapter should ask Parliament, as they did by this Bill, to give them the means for providing for a succession of competent, able minor canons, in order that the services might be made as efficient as possible, and that there might be a body of clergy ready to assist in all the other work of the diocese. He might add that the minor canons were themselves anxious for the proposed change—and in fact they might well be, for they would be secured in all their present rights and privileges, while all future minor canons would on appointment be entitled to an income of not less than £300 a-year with a residence; and when the number was reduced to six, each would receive an annual stipend of £400. The Bill pro-

vided that no benefice could hereafter be held with the minor canonry; but probably no grievance would be felt by any clergyman from the loss of his canonry on being appointed to a better benefice. The right rev. Prelate concluded by moving that the Bill be now read the second time.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on *Tuesday* next.

SUPREME COURT OF JUDICATURE

ACT (1873) AMENDMENT (No. 2)

BILL.—(No. 66.)

(*The Lord Chancellor.*)

REPORT OF THE AMENDMENTS.

Amendments *reported* (according to Order).

LORD SELBORNE said, that the peculiar circumstances under which the Bill had been brought in, and also the peculiar character of the Bill itself, had naturally prevented discussion on its previous stages, either of the questions involved in the clauses, or of the still larger questions which were opened by the Bill as a whole. He, and those who thought with him, believed that they sufficiently discharged their duty to the House and the country by merely saying Not-Content to the leading provisions of the Bill, without asking their Lordships to divide against them; but they never would have reconciled themselves to that course, if they had not anticipated that there would be a fitting opportunity for stating their view of the principles involved in this measure;—because the questions which it opened, whether as a merely provisional measure, or as one which might influence permanent legislation on the subject, were, in his opinion, such that—especially after the experience of the last two years—there were very cogent reasons why their Lordships should not part with the Bill before there had been a full discussion upon it. Their Lordships knew that the opportunities which had been expected for a discussion of the subject with which the Bill dealt had been suddenly and unexpectedly lost to the House; and that circumstance made it important that the present occasion should be made use of, for contributing suggestions

which might be taken into further consideration when this question might again be occupying the attention of Her Majesty's Government, or of that House, or of the country. For himself, he did most heartily desire that, in the interval which would elapse before the subject was again brought under the notice of their Lordships, the country at large should have its attention directed to it and to the great interest which all classes of Her Majesty's subjects had in its being settled on sound principles. With this object in view, he would pass in review, first of all, the arrangements of the Act of 1873, which the present Bill suspended; next, the modifications of those arrangements which were proposed to their Lordships last year and in the early part of the present Session, and, so far as their Lordships knew, not relinquished without regret by Her Majesty's Government; and, lastly, the manner in which the present plan would operate as a provisional measure during the year while the question of the Final Court of Appeal was in suspense, and what its operation would be if it were made the basis of a permanent scheme. He held now, as he held in 1873, that the good and sound working of our altered system of judicature must depend, if not entirely, at all events mainly, upon the constitution and the working of the Court of Appeal. He was, therefore, bound to admit that if the appellate arrangements of the measure of 1873 were not what they ought to have been, it was important that there should be a re-arrangement; but, at the same time, he must say that the more consideration he had been able to give to the matter the more had he become convinced that the arrangement made for appeals in the Act of 1873 was not only good in itself, but better than anything which had been since proposed, or that was likely to be proposed, as a substitute for that plan. When framing the Act of 1873, he did so with the conviction that to have a large number of highly-qualified Judges available for the business of the Court of Appeal was one of the most important requisites of a sound judicial system. Accordingly, the Act provided that the ordinary Judges should, in the first instance, at all events, be nine in number. In addition to those, there were five *ex officio* Members of the

Court of Appeal, who were also to be the heads of the different Divisions of the High Court—namely, the Lord Chancellor, the Lord Chief Justice of England, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron, and the Master of the Rolls. The Lord Chancellor was to be the head of the whole system. Of the ordinary Judges, four were to be taken from the Judicial Committee of the Privy Council by virtue of the powers given in the Act appointing four paid Members of that Committee; two others were to be the present Lords Justices, and three were to be nominated by the Crown. He thought it must be admitted that those materials must go far to constitute a strong Court of Appeal. But in addition to these elements, which were fixed in number, there was another which he had always regarded as one of great importance. It was the element composed of such retired Lord Chancellors and Judges of Her Majesty's Courts as, being selected by Her Majesty, might express their willingness to serve in the Court of Appeal. That provision, if acted on, would practically contribute to the Court of Appeal the same Judges who now administered justice in their Lordships' House, and also the effective unpaid members of the Judicial Committee of the Privy Council. In that element he should have hoped to see included such men as his noble and learned Friend, with whom he had the misfortune to differ on this Appellate question (Lord Penzance), and Sir Henry Keating, who was at present giving his assistance to the Judicial Committee of the Privy Council. With such materials, he thought they would have a Court as strong as imagination could conceive in respect of knowledge and experience both of Equity and of Common Law; and the whole strength of that Court would have been available for all the Appellate business of England, if the Act of 1873 had been allowed to come into operation in its integrity. If authority were wanted in support of that view, it might be found in the published opinion of the Lord Chief Justice, whose opinion on all subjects was of great weight and value, but on this question of especial value, not only because of his experience and eminent qualities, but also because of the close attention which he had given to the question in 1870 and 1871, during which years the Lord

Chief Justice was one of the most jealous critics of the proposals which were then made to their Lordships' House. The Lord Chief Justice favoured the country in those two consecutive years with the expression of his opinion on the subject; and the conclusion at which he arrived, after the best consideration he could give the matter, was that there should be only one Court of Appeal, and that it should consist of the materials which had just been described to their Lordships, and which in the Act of 1873 constituted the Appellate portion of the Supreme Court; with this exception—that the Lord Chief Justice then suggested that there should be four, and not nine ordinary Judges. He did not know whether, when suggesting that number, his Lordship contemplated that the Privy Council Appeals would not be heard by the new Court, or whether his Lordship might have counted more than he himself had thought it safe to do upon the constant attendance of some of the *ex-officio* Members. For the present he postponed the question of the appeals from Scotland and Ireland, and also the question of the Privy Council appeals—what he wished now to bring under their Lordships' special consideration was, the enormous importance of giving the strongest possible constitution to the Court which was to hear the first appeals. He used the term "first appeals" on the supposition that there might be a second appeal. At present, first appeals constituted the great mass of the Appellate business of the country. It would be an error to suppose that the further appeals which came to their Lordships' House generally represented business of special legal importance. It was quite true that important cases, in respect of which great difference of opinion existed, or in which large interests were at stake, would from time to time be brought to the Court of Final Appeal, whatever that Court might be; but from his long experience at the Bar of the House, and his more limited experience as one of the Law Lords, he believed that by far the greater number of appeals to their Lordships' House did not involve very important questions, either as regarded points of law or as to the value of the property involved in the decision. But what was the number of appeals

brought to the First Court of Appeal, and what was the number brought to that Final Court, their Lordships' House? Taking the year 1873—a year in which there were a greater number of appeals in their Lordships' House than there were this last year—he found by the judicial statistics for 1873 that in that year the number of errors and appeals disposed of by the Court of Exchequer Chamber was 51; the number disposed of in Chancery, including Bankruptcy appeals, was 189; and the Admiralty appeals which went to the Privy Council were 13. Those figures gave a total of 202 cases from the English Courts to the First Courts of Appeal. On the other hand, in the same year, the whole number of errors and appeals disposed of in the House of Lords was 32. That was the proportion—32 to 202; and that proportion was, he believed, quite as true in respect of the importance and value, and as to the legal questions involved in the litigation, as it was with respect to the mere number of cases. There could be no doubt, therefore, that the law was mainly built up by the decisions of the Court of First Appeal, and consequently the constitution of that Court and the operations of that Court were of the greatest importance. If that were so under the existing system of judicature, he asked their Lordships how much more must it be so under the system introduced by the Judicature Act, in the carrying out of which system all the branches of the Supreme Court and all the Judges were to administer Equity as well as Law? He quite agreed with his noble and learned Friend Lord Coleridge, and he had himself always said, that it was an error to talk of the fusion of Law and Equity—the true expression was a “fusion of the administration” of Law and Equity. When framing the Act of 1873, he gave full credit to the Judges of this country for capacity to administer the new system; but, at the same time, he was perfectly conscious that in the first working of it a great number of questions in Law and in Equity must arise, which would necessarily lead to frequent recourse to the Court of Appeal. An efficient Court of First Appeal was, therefore, essential—one capable of grappling with all questions of Law or of Equity, and with all questions relating to the working of the Supreme Court. For the discharge of such a duty, the Appeal

Court constituted by the Act of 1873 was well qualified. Well, having regard to the amount of business which that Court would have had to discharge, he had thought it necessary that it should be capable of being sub-divided, and sit in two, or perhaps three Divisions. He was still convinced that with the amount of business likely to arise under the Judicature Act, it would be impossible to prevent arrears, unless the Court were able to sit in Divisions, and did so. Some persons thought that to have a Court of Appeal sitting in Divisions might result in conflicting decisions and a confusion as to the state of the law. That objection was not consistent with his experience, and in these matters one grain of fact was worth an ounce of theory. There was no difference, in this respect, between having a Court of three Judges sitting in one room and a Court of three sitting in another room and exercising Appellate Jurisdiction at the same time, and having a Court of one set of three Judges sitting to-day and a Court of another set of three other Judges sitting to-morrow and hearing appeals. The system would not be at all like that of the present Court of Exchequer Chamber: you would not have the same Judges continually sitting together elsewhere as members of a particular Court, by the traditions or prevailing views of which they might be, or supposed to be, in some cases, biassed. You would have had, in principle, the same state of things which was now found in their Lordships' House and in the Judicial Committee of the Privy Council. It might, for instance, and it did sometimes happen, that on one day three Law Lords—say, his noble and learned Friends Lord Chelmsford, Lord Penzance, and Lord O'Hagan—might sit to hear appeals, and on the next day three others—say, the Lord Chancellor, Lord Hatherley, and himself. And this happened without any inconvenience, because the Law Lords in that House and the Members of the Judicial Committee were not persons who continually sat together or who were sorted in classes. As he understood the proposal of his noble and learned Friend (the Lord Chancellor) it was intended that the ordinary Members of his Court of Appeal should sit three at a time. His noble and learned Friend seemed to contemplate

that only three would sit at a time; so that some of them might always be free, this relaxation being taken by the Judges in turn. Experience, he thought, showed that there would be no inconvenience, but might often be a great practical convenience in adding to the numerical power of a Court of Appeal, and therefore he must express his opinion against the Rule of Three in this matter, which his noble and learned Friend on the Woolsack told them on a former occasion had been favoured by the late Lord Kingsdown. That noble and learned Lord appeared to have held that three Judges were the best number for a Court of Appeal. For the ordinary business of appeal three might do, and in the Act of 1873 he (Lord Selborne) himself proceeded on that principle; but in cases of great importance, on which judicial minds had differed, he thought that five Judges at least were desirable as an Appellate tribunal. He now proposed to show that, in the Act of 1873, the principle of a rehearing, or what some noble Lords liked to call a second appeal, was not overlooked. He retained to the full all the opinions which he formerly expressed on that subject, and he took the liberty of now vindicating the arrangement for rehearings made in the Act of 1873. Section 53 of that Act was in these terms—

“Every appeal to the Court of Appeal shall be heard and determined, either by the whole Court or by a divisional Court consisting of any number, not less than three, of the Judges thereof. Any number of such divisional Courts may sit at the same time. Any appeal, which for any reason may be deemed fit to be re-argued before decision, or to be re-heard before final judgment, may be so re-argued or re-heard before a greater number of Judges, if the Court of Appeal think fit to direct.”

The meaning of that was, that, in cases in which there was a difference among the Appeal Judges, or in which their decision would reverse on important points the opinions of other Judges, or in which there were serious questions of law or great interests at stake, the Court would have power to order a rehearing before a greater number of Judges. His noble and learned Friend (Lord Penzance) the other day had represented that as a provision for a second hearing “when the Court wished for it.” The correct way of putting it was, that it was a provision for a second hearing where the Court gave leave for it. The parties,

Lord Selborne

who desired it, would in all cases make the application; and he had not the slightest doubt that under such a provision the second hearing would have been granted in all cases in which it ought to be granted; and his only doubt in respect of it was, whether it might not have thrown an invidious duty on the Judges in some cases. He had no doubt, that the interest of the public and the suitors would be much better promoted by such a system, than by establishing the right to a second appeal, as a general rule—a principle which seemed to be so strongly favoured by some of their Lordships? That was not now and never had been the law. The fact was, that there were great inconsistencies and discrepancies in the present state of the law as regarded appeals. There was no such thing now as an obligation on any one appealing from the Court of Chancery in England to bring his case to any Court of Intermediate Appeal. From one of the Chancery Courts a suitor might go, and not unfrequently did go, direct to their Lordships' House, and thus deprive the other party—who might have succeeded in the Court of Chancery, but might fail in this House—of a second appeal. The late Lord St. Leonards remarked that not a few decisions had been pronounced by their Lordships' House which were open to much criticism; and it was said to be the opinion of the Profession that if there had been a further appeal from their Lordships' House to some other tribunal, some at least of those decisions of their Lordships would probably have been reversed. Again, from the Court of Admiralty there was but one appeal, which was to the Privy Council. He did not refer to these things as if it were an advantage to have discrepancies in the law as regarded appeals—he referred to them because, in practice, no one had been dissatisfied with the finality of one appeal, when the law made it final. Suitors never cried out and complained that they were unjustly dealt with, because they had not another appeal in those cases. The real truth was, that in the great majority of cases finality was the greatest boon you could give to suitors. The system established by the Act of 1873 had these great merits, above every other which had yet been proposed:—it was the best for maintaining the authority of the Court;

it interfered least with its available strength; it would have worked rapidly, easily, and cheaply; it gave the least opportunity for excessive litigation and oppressive costs. He ventured to say that all these objects were accomplished by the Bill of 1873 in a degree and in a way in which they could not be accomplished by any other system. He was speaking now of the Appellate Court and of the regulation which provided that the rehearing should be by a greater number of the same Court of Appeal. Their Lordships would permit him to remind them of the reasons which, so far as they were stated by him, satisfied them in 1873. On the 13th of February of that year, in introducing the Bill, he said—

“If you have a good Court with sufficient judicial power to command the confidence of the country, it is better that there should be no double appeal. I would not exclude the power, where you have an appeal heard by a small number of Judges, of having it reconsidered by a larger number of Judges. But my opinion is that, if you establish an adequate Court, it is desirable for the parties, and for the general interest of the country that the decision of that Court should be final, and that you should not multiply appeals. You never can escape, by going through any number of Courts of Appeal, from the risk of differences of opinion in each and every one of them, and from doubts arising as to whether the last Court decided better than those before it. What you want is to make as good a Court as possible, and to give it all the power and authority you can, and that in my humble judgment, is best accomplished by making it final.”—[3 *Hansard*, ccxiv. 350.]

He begged their Lordships to notice how the two first objects—the maintenance of the authority of the Court and the utilization of its whole available strength for all purposes for which that strength might be useful, were accomplished by the Act of 1873. They had not half of the Judges to do a small part only of the business—to dispose of 32 appeals instead of 202; but every one of them was available for every part of the business; and by enabling a re-hearing to be taken before a greater number, they at the same time secured the necessary amount of authority for the careful consideration of all such cases as required rehearing. It was, in his view, no objection to that system that the final decision or rehearing would be by Judges some of whom at other times sat in other Divisions of the Court and had themselves pronounced other judgments

which might also be the subject of re-hearing by a greater number; because that happened now, and it did not interfere in any way with the authority of the Final Court. He himself and his noble and learned Friends (Lord Hatherley and the Lord Chancellor) had pronounced judgments which had been appealed from to their Lordships' House; and though they might not, in these cases, have followed the example which some of their Predecessors—probably of necessity—had set, of deciding on appeals from themselves, they sat on the very next day to decide on other appeals with others to assist them. So far from thinking there was a disadvantage in such a circulation of Judges, he thought there would be a very great advantage, because in that way a greater amount of business would be transacted by each of them, their experience would be derived from a larger area, and there would not be the same danger of falling into a narrow groove, or getting into possible habits of negligence, which might arise from dealing with business of a more limited quantity or kind. He would now ask their Lordships to consider how the Court proposed by the present Bill would be constituted, in these respects, as compared with the Court established by the Bill of 1873. His noble and learned Friend took out of the Court which would transact the greatest amount of business, which would deal with the far larger amount of property and the vast majority of suitors, some of its most important Members, and by so doing greatly weakened it: he at the same time ran the risk of weakening the Courts of First Instance, and the Judicial Committee of the Privy Council—which was still to continue—so far as he relied on the regular services of Judges who had also duties to discharge in those other Courts. Then there were those two other considerations which in point of importance could not be exaggerated—namely, that the Court of Appeal should be easily accessible and expeditious, and that there should be as little burden of costs thrown upon the suitor as possible. Of all the evils of the present system, none was greater than the enormous power which it gave to the largest purse. Was there no substantial difference in these respects between a rehearing such as was proposed by the

Act of 1873 and a second appeal? In the first place, under the Judicature Act of 1873, in the 48th and the following Rules of the Schedule, and the 58th order of the Schedule to the present Bill, regulations were laid down for the conduct of appeals, of such a nature that greater facilities and expedition would be afforded than had ever hitherto been done, and thereby the costs would be proportionately diminished. But those advantages would be lost if the rehearing were taken to their Lordships' House or to another place. Some light would be thrown on those points by a Return of certain costs which he moved for not long since, and which had been laid on the Table. His object in moving for that Return was to enable their Lordships to compare the cost of appeals in the Court of Chancery with the costs of appeals to their Lordships' House. The Return contained only three cases, in which such a direct comparison could be made: but the other cases—to which he would refer by the numbers affixed to them in the Return—were also examples of the great expense of appeals to this House. Cases 4, 7, 10, 11, and 12, were, he could say, from his own recollection, of quite an ordinary character, in each of which there was only a single respondent. The average cost of these five appeals was £491 8s. 9d. There was another case (No. 5) which was also of an ordinary description, except that there happened to be three respondents—the costs which their Lordships' House adjudged to those three respondents against the appellant were £1,121 8s. 2d. With regard to the three cases which afforded materials for a direct comparison, No. 12 was an ordinary case, quite as simple as the common run of Chancery cases, and the costs, taxed even as between solicitor and client, in the Court of Appeal in Chancery, were £191 11s. 8d. The costs given in their Lordships' House to the successful party were £587 10s. 9d., taxed as between party and party—a difference of about £400 more in the House of Lords. Nos. 6 and 15 were heavy cases, with one respondent in each. The costs of the appeal of No. 6 in Chancery were £780 3s. 4d., and of the appeal to that House £1,248 15s. 9d. In No. 15, the costs of the appeal in Chancery were £509 14s. 2d.; but in the House of Lords they were £1,248 5s. 7d., being a difference of

£738. This was not a trifling matter, and he thought their Lordships must be satisfied that the suitors had a great interest indeed in the substitution of a system which would avoid these ruinous expenses. The promptitude with which a second hearing by a greater number of the same Court could take place was also a great advantage in those cases where there ought to be a second appeal, and a still greater incidental advantage in preventing frivolous appeals. Having said so much in favour of the scheme of 1873, he would observe that there were some variations of that scheme proposed by the Bill of 1874, in which he had acquiesced, and he acquiesced for several reasons. He did so principally because he did not wish to throw difficulties in the way of the noble and learned Lord now on the Woolsack, when following up and completing the work of 1873, and for other reasons also, which he would now state. Under the Act of 1873 there would have been the advantage of discouraging unnecessary and frivolous rehearings: but, on the other hand, he was not insensible to the existence of some real force in the objection to throwing upon the Court the responsibility of saying whether there should or should not be any rehearing, in each particular case. When, therefore, his noble and learned Friend thought it better to establish the right to have an appeal reheard, if it were desired, before final judgment—for that was his proposal—in certain defined cases—being in substance the same which he himself had in view as likely to be proper cases for rehearing—he had no difficulty in accepting that change. The other change was that which proposed to fix the manner in which the rehearing of English appeals, and also the hearing of Scotch and Irish cases, should take place before what his noble and learned Friend then called the First Divisional Court of the Court of Appeal. About this he felt much greater difficulty, though a difficulty, rather of sentiment than of a practical kind. He believed that change might, in practice, have worked as well as, though not better than, the plan of 1873. The objection to it was that it might appear to constitute, from time to time, some inequality of position as between the different members of the Court of Appeal. He still felt it was a weak point in that scheme that it did

constitute some difference in the position of the members of the Court, and he confessed in that respect he preferred the Act of 1873. But there were certain other provisions which the noble and learned Lord introduced into that Bill which more than anything else tended to reconcile him to that proposal:—a proposal for which there was, at least, one very substantial reason—namely, that it was made in connection with, and mainly for the purposes of, the transfer of Scotch and Irish appeals in the new Court. If their Lordships would refer either to the Bill of 1874, or to the corresponding provisions in the now abandoned Bill of the present Session, they would see that, so far as the available strength of the Court was concerned, it was as completely preserved by those two Bills as by the Act of 1873, and the essential unity of the Court was preserved also. If they referred to the Bill of 1874 they would find, that sub-sections 5 and 7 of section 15 enabled Judges of the Court of Appeal, not belonging to the First Division, to sit in that Division under the authority of the Crown or the Lord Chancellor, in case of need; and it was expressly provided that—

“Any member of the first Divisional Court may, when the state of business will permit it, sit in one of the other Divisional Courts;”

so that the whole strength of the First Divisional Court was available for all the business of the whole Court of Appeal. Then the 16th section was exactly like the provision of the Act of 1873—

“An arrangement for re-hearing any appeal before the First Divisional Court of Appeal shall provide that such re-hearing shall take place before any judgment, decree, or order made on such appeal is registered, passed, or entered.”

He thought he was warranted in saying that, under these circumstances, the changes in which he had acquiesced last year were mere modifications in detail of the Act of 1873. It now became necessary for him to make some observations upon the Court of Intermediate Appeal, which would be established—he hoped only provisionally—by the present measure. He confessed he had the greatest possible misgiving as to the sufficiency of the strength of the Court as it was proposed to be constituted, and he deplored the exclusion from that

Court of such elements as the Lord Chancellor, when sitting in that House, and the other Members of their Lordships' House who had filled high judicial positions. When the Bill was in Committee, he stated his concurrence with his noble and learned Friend upon one point, as to the mere construction of the Act under which the four Judges of the Judicial Committee were appointed. He did not see his way to the conclusion, that the Supreme Court of Appellate Jurisdiction, contemplated by that Act, must necessarily be one, from which there could be no further appeal. But a more serious difficulty—though one which might, of course, be removed by the consent of the Judges concerned—was, that the Act in question certainly did not appear to contemplate, that new duties should be imposed on some of these four Judges, which would not be shared by them all. And as long as the functions of the Judicial Committee continued, the first and primary duty of all the four, under that Act, must necessarily be to the suitors before that Tribunal. In 1873, when it was proposed that power should be given to the Queen to transfer the appeals before the Privy Council to the new Court, he said this—

“If Her Majesty should exercise the power which I shall ask the House to confer upon her, all the other judicial business of the Privy Council would be transferred to the new Court of Appeal. It is convenient it should be so; because if we are to have the services of these four Judges appointed for the business of the Court of Appeal, it is manifest we must provide, in the first instance, for the discharge by them of those duties for which they were especially appointed to the Judicial Committee, and the two systems will be most conveniently combined if we have the whole business brought together.”—[3 *Hansard*, ccciv. 358.]

With regard to the *ex-officio* Members, his noble and learned Friend had expressed his belief that each of them would be able to devote six weeks in the year to the Court of Appeal. Though glad, he was surprised to hear that statement; because a rumour had reached him that some of the heads of the Common Law Courts were of opinion that the pressure of business upon them was so great that any diminution of the strength of those Courts would interfere materially with the conduct of their ordinary business. The energetic Master of the Rolls might possibly get through his own work, and have six weeks to spare for the Court

of Appeal; but he should not have ventured to expect that this could be the case with all the other Judges. Besides, it might fairly be expected that the Appellate business would very largely increase during the early years of the working of the Act—especially as in all the Courts interlocutory orders would now be subject to appeal. As a permanent scheme he could not expect it to work well, and in the first year the difficulties would be particularly numerous. He would say no more as to the present Bill, which was admitted to be provisional for one year only:—in another Session, he understood his noble and learned Friend to say, they would have before them the alternative, either to adhere to the Act of 1873, with such modifications as were consistent with its principle, or to constitute some other final Court of Appeal. For his own part, he could certainly see no reason whatever why the Act of 1873 should not have at least a full trial. As far as Ireland and Scotland were concerned, he adhered to the opinions he expressed when that Act was under consideration. The fact that the Irish Act of Union contained a clause which made it proper that changes as to Irish appeals should not be made without the consent of the Irish people, or those who could speak on their behalf, was no reason why Parliament should be precluded from making any arrangement which might be for the advantage of England, as to English appeals. The Irish Courts—if the Irish people were indeed so much attached to the right of appeal to the House of Lords—must do their work remarkably well, judging by the number of appeals which had come during the present year from the different parts of the United Kingdom. There were 21 English appeals, 15 Scotch appeals, and only three from Ireland. As for Scotland, there was no clause in the Act of Union with that country about the jurisdiction of the House of Lords. There was only a clause providing that the Courts at Westminster Hall should not have cognizance of Scotch appeals. He should be well content to carry on the Irish and Scotch appeals as at present: still believing, that when the new Court of Appeal was established and in operation for England, it would not be long before the people of Scotland and Ireland would again express their desire to be brought

into the same system. If the arrangement of 1873 were not in the end to be maintained, he should very much like to foresee what was to be done with the Ecclesiastical, the Indian, and the Colonial appeals. Political considerations might be imported into the question. The Colonies, for example, might entertain some objection to the transfer of their appeals to the House of Lords without their consent. As to Ecclesiastical appeals, he was not sanguine of perfect contentment resulting from any arrangement which had been or which could be made; and this being so, he thought the safest course would be to abide by our present arrangements, which had been supposed to be likely to be treated with more respect by some of the clergy, than had been shown to the Judicial Committee of the Privy Council. Any Court, which consisted of, or included, paid Judges who were not Peers, and which sat in the Parliamentary Recess, when the House of Lords did not sit, could not possibly be the House of Lords; it would be just as much a new Parliamentary Court as that which was created by the Act of 1873. To call such a new Court the House of Lords would be nothing less than ridiculous. Their Lordships would add nothing to their own dignity, or to the dignity of the Court, by endeavouring to transfer to it by Act of Parliament the historical prestige of the existing tribunal. That tribunal, whatever might be its merits or defects, stood on historical foundations; whereas this new tribunal would be as much the creature of an Act of Parliament and would be as totally different from their Lordships' House as was the Court constituted by the Act of 1873. He had made these remarks because he looked upon the subject as one of momentous importance. No necessity had been shown for hastily deciding to overturn what was done two years ago. There was yet time for the country, through all its organs of opinion, to address itself seriously to the consideration of what would most conduce to the public interest in this matter; and when he spoke of the country he, of course, intended to include Scotland and Ireland. There was yet time to re-consider this question; and, so far as Scotland was concerned, he would mention one fact, that *The Scotsman* newspaper—which he ventured to say

expressed the opinions entertained by a large part of the people of Scotland—and, in his judgment, hardly any newspaper in the kingdom was more ably conducted—was in favour of the Act of 1873, and of its extension to Scotland. He did not believe there was either in Scotland or in Ireland such a unanimity of opinion as ought to stand in the way of any settlement which might after grave consideration be deemed the best. All he desired was, that, whatever conclusion was arrived at it should be good in itself and conducive to the administration of justice. It could not be for the public interest that the decisions of Parliament upon questions of that great magnitude, whatever they might be, should be constantly disturbed. If his noble and learned Friend made any proposition which might commend itself to their Lordships and to the other House of Parliament, even though it might not be one that would commend itself to his (Lord Selborne's) own judgment, yet if in practice it should be found conducive to the due administration of justice he would not be the man afterwards to attempt again to disturb it.

LORD PENZANCE said, he did not think that it was a convenient thing to discuss the question of the Appellate jurisdiction of this country without any definite plan being before the House. His noble and learned Friend had indicated a Court of his own construction, and then told them that it was not the House of Lords. He admitted it; but the question which was to be discussed was whether the House, preserving its immemorial jurisdiction, might not be so improved in its judicial character as to become an efficient Appellate Tribunal for the Empire. The question of the Court of Ultimate Appeal was an open question, and as the consideration of that question had been relegated to next Session he would not now deal with it. He quite agreed with his noble and learned Friend that the costs of appeals to that House of Lords were considerable, and that the matter required to be looked to; but meanwhile he thought that they might be reduced if by a Standing Order the printed matter used in connection with the appeal cases in the Court below might also be used before that House and only reasonable fees allowed on taxation. Their Lordships were aware that the larger portion of the law of this

country was what was called judge-made law. No Court reversed its own decision; therefore, as soon as the Court of Ultimate Appeal pronounced its decision upon a question the law on that subject was fixed, subject, of course, to an Act of Parliament. With regard to points of a novel character, the course frequently taken was this:—The Court of the First Instance decided one way on a question of that kind; the losing party did not ask for a re-hearing; but in the course of time the same question was raised in another case, and it was then submitted to the Intermediate Court of Appeal, which enunciated a general principle in deciding the case. As time went on the Judges began to see that the principle laid down by the Intermediate Court of Appeal could not be maintained, and they therefore threw doubts on the decision of that Court. Finally, after the matter had been considered by the Judges, and they were ripe for a decision, the question came by appeal to the House of Lords, where the matter was settled once for all. The only escape from a decision of that House was an Act of Parliament.

LORD HATHERLEY did not agree that this was not the proper occasion for discussing the question what should be the Ultimate Court of Appeal, because that question had been settled by an Act of Parliament, to suspend the action of which this Bill had been brought in. A case that ought to be re-heard he was of opinion should be re-heard before a larger number of Judges than when it was heard in the first instance. In the Court of Chancery it was not uncommon, when a cause had been heard by the Master of the Rolls or by one of the Vice Chancellors, for the appeal to be taken at once to the House of Lords without first going either to the Lords Justices or the Lord Chancellor. The reason for this was that the suitor wished to appeal to a more numerous tribunal, and to bring fresh minds to bear upon the law of the case. The result, however, frequently had been that the House of Lords, sitting as a Final Court, consisted of one noble and learned Lord and two lay Peers, which last, if the hearing continued for any length of time, were not always the same on successive days. Even in cases where there had been an intermediate appeal in Chancery, the final appeal had been, in many cases, from a

noble and learned Lord sitting in Lincoln's Inn to the same noble and learned Lord sitting in the House of Lords at Westminster. The question was one in reference to which the public mind ought in the first place to be informed, and in the second to make its wishes clearly known. This could, in his view of the matter, be better done by a full discussion in their Lordships' House than by taking the opinions either of the solicitors or counsel who were professionally interested. As an instance of the inconvenience resulting from the present state of things he might mention that some years ago a Master in Chancery gave a decision of great importance, affecting many thousands of people, as to whether a provisional director of a joint-stock company committed himself to the position of a shareholder. This decision was reversed by one of the Vice Chancellors, and afterwards reversed again by one noble and learned Lord, an ex-Lord Chancellor, sitting with two lay Lords as the Final Court of Appeal in the House of Lords. The question was one which it was important finally to settle; but, as a matter of fact, the House of Lords subsequently pronounced a totally opposite decision upon a precisely similar set of facts. He thought it must be clear, therefore, that the House of Lords, as at present constituted, could not be regarded as a satisfactory Court of Final Appeal; and, in his opinion, a satisfactory Court of Final Appeal could only be settled in some such manner as was indicated in the measure introduced by his noble and learned Friend (Lord Selborne). Under such circumstances as were proposed by his noble and learned Friend (Lord Penzance) the final jurisdiction would not rest with the House of Lords, but with a new tribunal sitting in their Lordships' Chamber; and he could not think that with the real transference of a jurisdiction which would make the tribunal as a House of Lords only nominal, it would in the slightest degree add to the dignity of their Lordships' House.

LORD REDESDALE protested against the assumption that no improvement could be made in the constitution of the House of Lords for the hearing of appeals. He believed they could effect a very great improvement in it, and at the same time retain the constitution of that House in respect to the exercise of its

judicial functions as it had existed from the earliest period. On this subject there had lately been a great change in public opinion, and he was convinced that the feeling which was now entertained against the transference of the jurisdiction of their Lordships to another Court would be more fully developed when the Government proposals were laid before the country next Session. That their Lordships should sit during the Recess for the purpose of hearing appeals was not a new principle at all. With regard to the expense of appeals, he had no doubt they could be greatly reduced, and if noble and learned Lords would consult with the officers of the House as to an alteration of the Standing Orders, a great improvement might, he thought, be effected. He must confess he never could understand how the Act of 1873, which did not provide a common Court of Appeal for the Three Kingdoms, could be regarded as satisfactory, while he believed the Privy Council would always continue to be the best Court of Appeal for the trial of Colonial and Indian causes.

THE LORD CHANCELLOR rose for the purpose of addressing only a few sentences to the House, and he might in the first place observe that he had already stated that the Government desired to preserve entirely unprejudiced until next Session the question of the final constitution of an Ultimate Court of Appeal. Their Lordships would not, therefore, expect him now, he was sure, nor would his noble and learned Friend who had introduced the subject expect him to enter into any argument in support of, or in opposition to, any particular view with respect to it which he might entertain. So far as the Government were concerned, they held themselves perfectly at liberty to consider next Session the best proposal on the question which could be made for its settlement. He quite concurred, he might add, with his noble and learned Friend (Lord Hatherley) that it was extremely desirable the public mind should address itself on all occasions to the consideration of the question, and should be as carefully informed upon it as possible. He would, however, put it to his noble and learned Friend whether he had taken the best way to accomplish that end, and whether he was really informing the public mind in any useful manner

Lord Hatherley

by raking up a number of old stories which had been repeated 20 times over as to what had happened a quarter or half a century ago, but which everybody knew perfectly well could not occur at the present day. Such stories appeared to him to be about as useful to the elucidation of the subject as if, when a measure for amending the constitution of Parliament was under discussion, some one were to give a narrative of the abuses and scandals which existed previous to the passing of the Reform Bill. He should like to say a few words, in the next place, with respect to what had fallen from his noble and learned Friend as to some remarks of his own which might perhaps lead to misapprehension "elsewhere." He was quite aware of that to which his noble and learned Friend referred—namely, that under certain circumstances an appeal might be made, as it was termed, *per saltum* from the decision of a Vice Chancellor to that House. Now, in that instance he quite concurred in the statement that there was a perfect right of double appeal, and he should be sorry that there should be any misapprehension on the point. If a decree was made in the Court of Chancery by the Vice Chancellor against the defendant in a cause, that defendant had a perfect right to have a double appeal. He might have it first before the Court of Appeal in Chancery, and then before their Lordships' House. He had, therefore, a perfect right of double appeal, although he might, of course, abandon part of it, and proceed at once to that House—a course of proceeding, however, which was so seldom adopted that it might be practically disregarded. He had on a former occasion stated fully what was to be the constitution of the particular Court which would be established under the present Bill. That constitution must be looked upon as provisional, and he should be sorry to detain their Lordships by repeating the reasons which he had before given for the adoption of the course which the Government deemed it to be their duty to take in the matter, or for thinking, as he did, that the Court would be found quite sufficient for the discharge of the important duties which it would have to perform. Notice had been given of an Amendment on the Report with regard to a District Registrar in Lancashire; but he hoped his

noble Friend in whose name the Notice stood (Lord Winmarleigh) would defer the question until the third reading of the Bill, which he would fix for next Friday, inasmuch as the subject was under consideration, and it was his intention to propose certain Amendments altering in a general way the Rules relative to Registration Courts.

EARL GRANVILLE thought the noble and learned Lord on the Woolsack had exercised a wise discretion in not entering, on the present occasion, into the question of what should be the Final Court of Appeal. He knew the noble and learned Lord was animated by a sincere wish to establish the best tribunal possible; but he must at the same time observe that his noble and learned Friend near him (Lord Selborne) had availed himself of a most legitimate opportunity for laying their views with respect to many important points connected with the Act of 1873 before the House. As to the attack which the noble and learned Lord on the Woolsack had made on what had fallen from his noble and learned Friend behind him (Lord Hatherley), he thought it was somewhat unjustifiable, for his noble and learned Friend had a perfect right to illustrate his views of the jurisdiction of that House as a Final Court of Appeal by referring to circumstances which had happened, not half a century ago, but within his own experience, and even within the last five or six years.

LORD WINMARLEIGH, at the request of the Lord Chancellor, postponed the Amendment of which he had given Notice to the third reading.

Bill to be read 3^a on *Friday*, the 7th of *May* next.

House adjourned at Eight o'clock,
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, 29th April, 1875.

MINUTES.] — NEW MEMBER SWORN — The Marquess of Tavistock, for Bedford County.
PUBLIC BILLS—*Resolution* [April 23] reported—*Ordered—First Reading*—Education (Scotland) (Sutherland and Caithness) * [146]; [April 28] Savings Banks, &c. * [146].

Ordered—First Reading—Landed Proprietors (Ireland) [148]; Tenants Compensation* [149]; Northampton Improvement Commissioners* [147].*

Second Reading—Municipal Corporations (Ireland) [41], debate further adjourned; Church Rates Abolition (Scotland)* [26], debate further adjourned.*

Committee—Peace Preservation (Ireland) [77]—r.p.

Committee—Report—Local Government Board's Provisional Order Confirmation (No. 2) [127]; Sea Fisheries* [128].*

Considered as amended—Artizans Dwellings [126].*

Third Reading—Seal Fishery (Greenland) [117], and passed.*

Withdrawn—Poor Law Guardians (Ireland) [48]; Parliamentary Elections (Validity of Votes)* [49].*

PUBLICATION OF DEBATES AND PROCEEDINGS—EXCLUSION OF STRANGERS.

NOTICE OF RESOLUTION.

THE MARQUESS OF HARTINGTON:
I beg to give Notice that on Tuesday next I will move the following Resolutions:—

1. "That this House will not entertain any complaint, in respect of the publication of the Debates or Proceedings of the House, or of any Committee thereof, except when any such Debates or Proceedings shall have been conducted with closed doors, or when such publication shall have been expressly prohibited by the House, or by any Committee, or in case of wilful misrepresentation, or other offence in relation to such publication.

2. "That strangers shall not be directed to withdraw upon notice being taken of their presence; but if occasion shall arise for repressing or preventing disorder, Mr. Speaker may direct their exclusion from any part of the House (save as provided for in the previous Order).

3. "That strangers shall not be directed to withdraw, during any debate, otherwise than by an Order of the House; and unless notice shall have been given of moving such Order, before the commencement of a debate, the question shall be put and determined without amendment or debate."

ARMY—THE MILITIA—FINES FOR DRUNKENNESS.—QUESTION.

COLONEL EGERTON LEIGH asked the Secretary of State for War, If he would state to the House in what way has the fund arising from fines for drunkenness in the Militia been spent?

MR. GATHORNE HARDY, in reply, said, he had already stated that it was proposed to apply the fund to purposes of recreation. The War Office had been unable, however, to deal with the amount collected during the last training without the permission of the Treasury.

ARMY—ADJUTANTS OF MILITIA.

QUESTION.

COLONEL EGERTON LEIGH asked the Secretary of State for War, Whether, if a Militia Adjutant appointed before 22nd February 1871, willing to perform all the duties of the Brigade Depôt, or any other Military duty he may be called on to perform, and who does not wish to accept the retiring pay, as per Royal Warrant 29th March 1875, will be subsequently debarred from the benefits of the new scale?

MR. GATHORNE HARDY replied in the affirmative.

IRELAND—BLACKWATER BRIDGE.

QUESTION.

MR. VANCE asked the Chief Secretary for Ireland, Whether the Government has taken any steps to compel the local authorities to open the Blackwater River for the navigation of masted ships which are now prevented from ascending higher than Youghal, owing to the condition of the drawbridge, which can no longer be worked in consequence of the structure of the bridge having decayed?

SIR MICHAEL HICKS-BEACH, in reply, said, that the story of the bridge was a very old one. It was in a ruinous condition, and the question of its repair was under the consideration of the grand juries of Cork and Waterford, and the Town Commissioners of Youghal had drawn the attention of the Government to the matter. He believed there was some technical defect in the law which prevented the grand jurors making use of the powers conferred upon them by Act of Parliament. If that should prove to be the case, he was prepared to introduce a measure to provide a remedy.

PARLIAMENTARY ELECTORS—THE ANNUAL RETURN.—QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for the Home Department, Whether the Annual Return of the number of Electors in Parliamentary Constituencies, moved for at the beginning of the Session, will be presented; and whether it will be printed in time for the Debate of Friday week on the Redistribution of Political Power?

SIR HENRY SELWIN-IBBETSON, in reply, said, the Return alluded to had been presented and ordered to be printed, and he hoped it would be in the hands of hon. Members before the debate of Friday week.

SOUTH AFRICA—THE ORANGE FREE STATE—RETURNS.—QUESTION.

SIR JOSEPH M'KENNA asked the Under Secretary of State for the Colonies, When he will furnish to the House, Copies of the Correspondence which he has already promised to produce referring to the diamond fields and the lands in South Africa which have been occupied by Her Majesty's High Commissioner, but which are still claimed to be the territory of the Orange Free State Republic?

MR. J. LOWTHER: Sir, the Papers alluded to by the hon. Gentleman are in course of preparation, though I am afraid they cannot be confidently promised before the expiration of some weeks.

ARMY—SUPERSEDED CAPTAINS OF THE SCIENTIFIC CORPS.

QUESTION.

COLONEL BARTHELOT asked the Secretary of State for War, Whether, on Her Majesty's birthday, any brevet is to be conferred on the remaining old Captains of the Line and Royal Marines who have been superseded by the Majors of Scientific Corps?

MR. GATHORNE HARDY, in reply, said, the question had engaged a great deal of attention in the Department; but he hoped he should be forgiven if he said it was no part of his duty to forestall or disclose Her Majesty's gracious intentions with reference to her birthday.

NEWFOUNDLAND FISHERIES.

QUESTION.

MR. A. M'ARTHUR asked the Under Secretary of State for the Colonies, Whether, pending the negotiations for the settlement of the French claims to a monopoly of fishing rights on the coasts of Newfoundland, Her Majesty's Government has arranged with the French Government that its cruisers shall not seize the nets of British fishermen, or other-

wise interfere with them in the exercise of their lawful occupation?

MR. J. LOWTHER: The French Government has instructed its officers commanding vessels on the coasts of Newfoundland to abstain from all forcible action, with a view to any difficulties which may arise being referred to and settled by the Mixed Commission appointed by the French and English Governments for this purpose.

REPORTS OF THE CIVIL SERVICE COMMISSION.—QUESTION.

MR. J. HOLMS asked Mr. Chancellor of the Exchequer, If it is the intention of the Government to publish the Second Report of the Civil Service Commission relating to the out-door departments of the Customs and Inland Revenue; and, if so, when such Report will be issued?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the Government had not received a Second Report from the Commission, and, as far as he knew, there was no such Report in existence.

PEACE PRESERVATION (IRELAND) ACT —FIRE-ARMS.—QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, Whether it is true, as stated in some Irish newspapers, that on Monday week an old woman who earned a livelihood by attending on racecourses, and charging a penny a shot out of a toy gun (fired by a percussion cap, without use of powder) at a wooden figure dressed as an ancient mariner, was arrested or stopped by the police at the Mullingar races, and cautioned against such a practice in a proclaimed district, she having "no licence to have and carry arms;" and, if this be so, whether the Government will extend to this old woman such arms licence as will enable her to earn a livelihood as heretofore?

SIR MICHAEL HICKS - BEACH, in reply, said, remarkable stories of this kind were not very rare in the Irish Press. The Government had instituted an inquiry into the facts of the case referred to, and he was almost sorry to spoil the story, but he had to inform the hon. Member that it was without foundation. What happened

was simply this. The Irish constabulary had recently received general instructions to check itinerant gamblers at racecourses, and those orders had been carried out with very excellent effect at many race meetings during the present season. This old lady, hearing that the police were warning gamblers against continuing their pursuits, seemed somehow to think it possible she might be included in the designation. She asked a resident magistrate on the course whether she would be allowed to continue the pursuit of her business, and she was at once informed she would not be interfered with. She was not further spoken to nor molested by the police. The question of arms licence was not mentioned, and he was afraid this portion of the story was due to the lively imagination of the reporter.

IRELAND—CORK GRAND JURY.

PERSONAL EXPLANATIONS.

Mr. HERBERT asked the hon. Member for Cork, in consequence of a statement made by him, What was the date of the meeting of the Cork Grand Jury he referred to, the names of the gentlemen who served on it, and the names of the different baronies they represented?

Mr. M'CARTHY DOWNING: Sir, after the statement I made on Monday evening I am surprised that the hon. Gentleman should have put the same Question to me again. I have told him, as I tell him now, that I cannot tell whether it was the March Assizes of 1872 or of 1873; and my recollection of the gentlemen who served with me is a perfect blank, save one or two of them. The baronies there represented I do not know. I think the hon. Gentleman ought to have been satisfied with the statement which I made to him in private on Friday night. I do not know why the hon. Gentleman has put the Question again; and I hope I am not violating any Rule of the House when I say that he might be better and more profitably employed in settling affairs with his constituents instead of—["Order, order!"]

Mr. HERBERT rose, but

Mr. SPEAKER said: The hon. Member has put his Question and has received an answer.

Mr. HERBERT: I claim the indulgence of the House while I make a

personal explanation. The reason why I put this Question was because an accusation was brought by the hon. Member for Cork against a number of gentlemen members of a Grand Jury. The hon. Member stated in this House that those gentlemen actually put a large sum of money on a district because one of those gentlemen had property in the district. I wished to know from the hon. Gentleman who those gentlemen were; because if the statement of the facts be right every one of those gentlemen violated a most solemn oath which he had taken, and I think that bringing an accusation of that kind against a body of gentlemen requires some explanation, particularly when the hon. Gentleman tells me after bringing this accusation against these gentlemen, that he does not remember—although he was the foreman—the date of the Grand Jury nor the names of the gentlemen who served with him.

Mr. M'CARTHY DOWNING asked whether he might be allowed to explain.

Mr. SPEAKER said, that both hon. Members, it appeared, had been referring to a past debate in that House, which was irregular.

BRUTAL ASSAULTS—LEGISLATION.

QUESTION.

Mr. COLE asked the Secretary of State for the Home Department, Whether it is his intention to bring in a Bill in the present Session to amend the Law with respect to the punishment to be awarded to persons convicted of brutal assaults; and, if so, when; and, whether it is his intention to propose any alteration in the Prisons Act, 1865, so as to enable governors of gaols to employ prisoners sentenced to hard labour in industrial labour instead of the so-called first class hard labour?

Mr. ASSHETON CROSS: Sir, it is the intention of the Government to bring in a Bill during the present Session to amend the Laws relating to punishment awarded for brutal assaults, and I propose on Monday to ask leave to bring in such Bill. With regard to the second point, I believe that industrial labour may be used as the Act now stands. The Prisons Act, however, has now been in operation 10 years, and the Government have asked for information as to whether some amend-

ment of that Act may not be necessary. That information is not yet before us; but next Session it may be necessary to introduce a Bill on the subject.

PARLIAMENT — PUBLIC BUSINESS —
MONASTIC AND CONVENTUAL INSTI-
TUTIONS BILL.—QUESTION.

MR. NEWDEGATE said, he wished to preface the Question of which he had given Notice by two observations—first, that the subject excited a great deal of interest throughout the country; and, next, that he had been delayed in proceeding with his Bill by the non-production of Papers containing information from Foreign Countries. He would now ask the First Lord of the Treasury, Whether, considering the state of the Order Book, he will consent to the appointment of a Morning Sitting for the consideration of the Monastic and Conventual Institutions Bill?

MR. DISRAELI: Sir, it is always very agreeable to me to assist my hon. Friend in bringing forward any business he may have on the Paper; but at the present moment it is not possible for me to offer him a day for a Morning Sitting. I am, on the contrary, meditating asking the House myself for a Morning Sitting to-morrow, and even with that sacrifice of the convenience of hon. Members, I am afraid they must consent to a further sacrifice in the curtailment of their holidays in consequence of the progress—or, rather, want of progress—of public Business. Therefore, at present it is not in my power to make the arrangement that my hon. Friend asks for.

MR. NEWDEGATE: At a later period of the Session I will renew my Question.

MASTER AND SERVANT ACT—LEGIS-
LATION.—QUESTION.

MR. GORST asked the Secretary of State for the Home Department, When the promised measure for amending the Master and Servants Act and other Acts affecting the relations between employers and employed will be introduced by Government?

MR. ASSHETON CROSS: I hope, Sir, that the measure to which my hon. Friend refers will be introduced immediately after the Whitsuntide Recess.

INDIA—CASE OF MR. TORCKLER.

QUESTION.

MR. AGG - GARDNER asked the Under Secretary of State for India, If he has considered the grievances complained of Mr. Torckler, Ex-Lieutenant of the Bengal Native Infantry, in a Petition that has been presented to the House of Commons; and if he is prepared to grant the redress for which the Petitioner prays?

LORD GEORGE HAMILTON: Sir, the circumstances of Mr. Torckler's case have been frequently under consideration, and are, therefore, well-known. He has received such redress and compassionate consideration as appeared to be suitable, and it is not proposed to institute any further inquiry into the case.

STAMP DUTY ON APPOINTMENTS.

QUESTION.

MR. CHILDERS wished to know, Whether the Chancellor of the Exchequer could lay a memorandum on the Table of the House explaining the working of the present Stamp Duty on Appointments?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he would endeavour to do so.

RATING ACT, 1874—ASSESSMENT OF
THE RIGHT OF SPORTING.

QUESTIONS.

MR. MILBANK asked the President of the Local Government Board, How the sporting right is to be assessed under the new Act when a landlord lets his land but retains the shooting and preserves it? Is it to be valued on the principle of what the tenant would give for the shooting, assuming it to be in an unpreserved state, or is it to be valued upon what it would be let for in a preserved state; in which latter case is the cost of such preservation to be deducted from the assessment?

MR. SCLATER-BOOTH: It is, of course, Sir, impossible for me to say what the decision of the Courts may be, but it certainly was intended that the Assessment Committee should value the right of sporting in connection with the occupation of the soil, on the principle of "what the tenant would give for the right without reference to preservation."

If an additional value is proposed to be put upon a right of sporting by reason of the preservation of game, it would seem to follow, on the analogy of the general law of rating, that the cost of such preservation might be deducted. It is obvious that important questions as regards preservation arise incidentally where, by reason of such preservation, the full letting value of the land is depreciated.

SIR GEORGE JENKINSON asked the President of the Local Government Board, If he will state the principle upon which assessment committees are supposed or intended to rate the right of sporting over grass dairy land, on which there is not any game, and which land is let to tenants at its full agricultural value; and, whether it is in conformity with the intentions of the Act that the same class of grass land in different parishes, but within the same union, should be rated capriciously at little or nothing in one parish, and at a considerable sum per acre in another adjoining parish?

MR. SCLATER-BOOTH: In reply, Sir, to my hon. Friend I can only say that the sixth section of the Rating Act, 1874, which states that a deduction from rent may be allowed "if rateable value is increased, but not otherwise," clearly contemplates the case of land on which there is not any game, and over which the right of sporting is of no appreciable value. It certainly was not intended that land should be rated capriciously in the manner pointed out by the Question. If any such inequality should exist, the valuation lists may be objected to before the Assessment Committee, or appealed against at the Sessions.

THE REVENUE—RETURNS.

QUESTION.

SIR WILLIAM HARCOURT asked the Secretary to the Treasury, Whether there will be any objection to give a Return of the growth or diminution from year to year of the various heads of receipt since 1841, so as to show the normal increase or decrease of the revenue for each year?

MR. W. H. SMITH, in reply, said, there would be some difficulty in giving the Return. He would, however, consult with the hon. and learned Gentle-

Mr. Sclater-Booth

man as to the adoption of some form on which the Return might be made out.

INDIA—THE GUIKWAR OF BARODA. QUESTION.

SIR SEYMOUR FITZGERALD asked the Under Secretary of State for India, Whether it is the intention of the Government to lay any Papers upon the Table of the House with reference to the deposition of the Guikwar of Baroda; and, if so, when the House may expect to be in possession of them?

LORD GEORGE HAMILTON: Sir, the Report of the first Commission is in the hands of hon. Gentlemen. The Papers connected with Colonel Phayre's removal and the temporary deposition of the Guikwar, and containing information up to the actual assembling of the second Commission, are in the printer's hands, and will be before long upon the Table of the House. The proceedings of the second Commission, the Report, and Papers connected with the final deposition of the Guikwar have not yet been received from India; but when received shall be printed and laid upon the Table of the House as soon as possible.

PARLIAMENT—PUBLIC BUSINESS— DAY SITTINGS.—QUESTION.

In reply to Mr. PEASE,

MR. DISRAELI said, that it would depend upon the progress made in Committee that night on the Peace Preservation (Ireland) Bill whether it would be necessary to ask the House to consent to a Day Sitting to-morrow. If sufficient progress was made he would not ask the House to meet to-morrow; but, if not, it would be his duty to make such a proposal.

PEACE PRESERVATION (IRELAND)

BILL—[BILL 77.]

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.*)

COMMITTEE.

[*Progress 26th April.*]

Considered in Committee.

(*In the Committee.*)

Clause 3 (Continuance of Peace Preservation (Ireland) Act, 1870, subject to amendments and modification.)

CAPTAIN NOLAN moved, in page 2, line 8, after "modifications," to insert—

"And to this modification that 'The Peace Preservation (Ireland) Act, 1870,' shall be read as if in section four there were inserted after the word 'gun' the words 'except a fowling-piece or the ammunition for the same.'"

He said, if the Government would only assent to the Amendment which he intended to propose in reference to the possession of arms it would greatly facilitate the progress of the Bill. He had given Notice of two or three Amendments under this head, giving certain rights to certain people; but although the Amendments were of a very simple character he had experienced some difficulty, owing to the way in which the Bill was drawn, in finding a place at which they might be conveniently inserted. One of the objects of the Bill was to restrict the possession of arms, and his proposition was to take fowling-pieces out of the definition of arms. He thought he was justified in moving the Amendment, because they could hardly call fowling-pieces arms in the present day. They were perfectly useless for warlike purposes, being merely bad smooth-bore muskets. As well might the Bill prohibit the possession by Irish farmers of scythes or axes. But if fowling-pieces were useless as weapons of offence or defence they were extremely useful to the farmer to enable him to protect his crops. A farmer said to him in conversation on this subject—"The crows are as stiff on the land as we are ourselves," meaning that it was extremely hard to drive them away; and he added that the British Government had given the crows a right to eat up the seed that was sown on the farms. He hoped the right hon. Baronet the Chief Secretary for Ireland would adopt this slight alteration, and that he would give the Committee some information as to the general policy he intended to pursue in reference to these Amendments.

Amendment proposed,

In page 2, line 8, after the word "modifications," to insert the words "and to this modification that 'The Peace Preservation (Ireland) Act, 1870,' shall be read as if in section four there were inserted after the word 'gun' the words 'except a fowling-piece or the ammunition for the same.'"—(*Captain Nolan.*)

SIR MICHAEL HICKS - BEACH said, he feared he should be unable to accede to the Amendment, and he did not see how he could make the concession which would satisfy the hon. and gallant Member upon this point. He felt some diffidence in differing from the hon. and gallant Member in respect to a subject on which he was so great an authority—namely, that of the gun—but he could not see how fowling-pieces could be regarded as not coming under the denomination of "firearms." They were firearms, and would be very dangerous weapons in the hands of those who might desire to use them for unlawful or improper purposes. The adoption of the Amendment would be tantamount to the rejection of the principle of the Bill, as far as it related to the carrying of arms. He desired to extend the possession of arms amongst the farm classes in Ireland. Hitherto, there had been a technical difficulty in the law which had rendered it doubtful in the mind of the Licensing Authorities whether they had the power to grant a licence to carry arms over specified lands—such, for instance, as over the land occupied by a farmer. The Bill removed that doubt, and would allow the grant of such a licence. He hoped these licences would be freely granted in the quieter parts of Ireland, and that the present system of restriction might be relaxed until, in the natural course of events, it would disappear altogether. With all deference to the hon. and gallant Member, he could not help saying he considered the difficulty now experienced in procuring arms licences had been much exaggerated. So far as the present Amendment was concerned, it could not be accepted by the Government.

MR. MELDON supported the Amendment. It would be absurd to say at the present time that arms should be kept out of the hands of the Irish people for fear of a rebellion. He pointed out several instances in which the present law had proved a great hardship to the people, and urged the acceptance of the Amendment, which would bring about a much more satisfactory state of things.

MR. HERBERT stated that, whereas formerly no game was sold in Killarney, there was now one licensed shop there doing a flourishing business, although the gentlemen in the neighbourhood

did not sell their game—a proof that the police did not carry out the provisions of the Act very stringently. He considered it was at present a great hardship that the Irish farmers were not allowed to kill the rooks. He trusted the Government would provide a means of enabling farmers to get rid of this tiresome foe.

MR. RONAYNE said, what was wanted was to place the possession and carrying of arms in Ireland on some plain and definite foundation, instead of leaving the matter to the decision of the magistrates, who acted on caprice or pique, as he knew many of them now did. He did not ask for petty favours here and there, dependent on the whim of an individual, but for justice all round. His own house was entirely unprotected. He had got rid of gun and dogs, and had not even a cap under his roof, because if he had it would be sufficient to render him liable to a sentence of two years' imprisonment. He could not see any reason why the Government should refuse what was asked by the Amendment unless they thought the farmers of Ireland, as a body, were not to be trusted with such arms. If that was their idea his own experience enabled him to say distinctly that it was a great mistake, and utterly without foundation.

SIR PATRICK O'BRIEN urged that there would be an advantage rather than a danger in intrusting arms to well-disposed citizens, in particular to farmers who required them for the protection of their crops. Last week a man holding 77 acres of land wrote to him requesting that he would use his influence to obtain for him a licence to carry a gun. Surely it was unreasonable to place obstacles in the way of such a man obtaining a licence. He had himself on one occasion been unable to get a licence for the man whom he employed as a game-keeper. There ought, at all events, to be a provision inserted in the Bill to the effect that holders of land should be entitled to the possession of a gun if they had not been convicted of any offence.

MR. CALLAN said, he had done as much as any man in protecting game, and also vermin in the shape of foxes, but he objected, as a tenant-farmer, that his brother tenant-farmers were precluded from carrying arms over their

own farms. He had himself applied to be allowed to have a gun in his house, and had been asked who had recommended him. He replied that he was a large landowner, and had never had a stain on his character. The end was that he obtained the licence because the magistrates of his county had recommended him. To show that the restrictions were put in force for the purpose simply of preserving game, he would read from a Parliamentary Return the case of a young man at Dundalk who, after shooting over his (Mr. Callan's) farms for a week, with his permission, was told by the police that if he went out again he would be arrested. The sub-inspector, on being asked to assist in getting him a licence, replied—"I will do no such thing on account of your poaching over the country;" and on the ground that he had been poaching—for so his offence was called, although he had been shooting with permission—an application which he subsequently made for a licence, supported by the recommendation of two magistrates, was refused. If the Chief Secretary would assent to the use of the words "*bonâ fide*" in the clause he would advise his hon. and gallant Friend to withdraw the Amendment. Otherwise, he would follow him into the Lobby if he divided the Committee.

MR. SULLIVAN wished to point out the position in which Irish Members were placed at that moment in reference to the Bill. It appeared that they were to discuss their Amendments under a sort of coercion. A notice might have been placed over the entrance to the House, stating that all who were desirous of considering the Budget should discourage the Irish Members, and all who wished to discuss any other measures in the hands of the Government must squeeze the Irish Members. While he and those who acted with him meant to discourage any merely dilatory tactics, they would not be pressed, nor squeezed, nor intimidated into shortening, by one word or sentence, the debates they were to have on their Amendments to the Bill. And if the Budget or any other very important measures which were dexterously put after that Bill were postponed, the responsibility must rest on the exceedingly skilful strategists of the Treasury Bench. With regard to the present proposal, here was a great and powerful Monarchy declaring it to

be a matter of peril to allow an Irish farmer to have a gun to shoot crows with. The Chief Secretary of Ireland had said, from information he had received through the police—the real rulers of Ireland—that there were several murders all ready to come off, and which would be committed if the House of Commons did not pass this Bill. He put it to the right hon. Gentleman whether he could name a single attempt at shooting in Ireland which had not been carried out for want of a gun. There had not been one. The Government, by their proposal in this Bill, were inconveniencing honest and peaceable occupants of farms for the hypothetical advantage of stopping one murder out of 50,000. Why did not the Government register the wearer of clogs in Lancashire, and say that John Brown should wear clogs, on the recommendation of a magistrate, because he was a quiet man, and would not kick his wife to death with them? The time would arrive when military conscription would be the order of the day in Great Britain; and when one of those great cataclysms occurred which the Premier had often warned them was nearer at hand than most supposed—then it would be found that Ireland would be unable to help England in her difficulty, not from disaffection, but because she would be incapacitated through the operation of these Coercion Acts, which denied her inhabitants the right to carry arms.

MR. GOLDNEY said, he thought that was one of the most impracticable Amendments which could be conceived, as its adoption would necessitate the re-casting of the whole of the Act of 1870. A much more convenient course of proceeding would be to withdraw the present Amendment, and take the discussion of the question it raised on the Amendment of the hon. and learned Member for Limerick (Mr. Butt).

CAPTAIN NOLAN said, if farmers were allowed to use fowling-pieces, then he would consent to re-frame his Amendment. He asked the Chief Secretary for Ireland, if he would consent to give compensation to farmers for damage done to their crops in consequence of the occupiers of lands being prohibited to carry fire-arms for the destruction of vermin, &c.?

MR. MOORE said, he thought the fowling-pieces would prove as disastrous as any other kind of weapon in the

hands of persons bent on committing agrarian or other outrage, and he did not wish to see an Amendment carried in that form. What he wished for was that any two justices of the peace should be allowed to grant licences for carrying arms to persons fit to be entrusted with them. He thought it absurd that men who were thought fit to serve as magistrates should not also be thought proper persons to be entrusted with the power to grant licences for the carrying of fire-arms; and he thought it an indignity cast on them to require them to run after a stipendiary magistrate. Personally, he had no complaint to make; he had applied for gun licences for some 20 or 30 of his tenants and others, and none of his requests had ever been refused by the stipendiary magistrates; but he thought that putting justices of the peace beneath the resident magistracy indicated a certain suspicion of the good faith of the magistrates which could not fail to be keenly felt by the people of the country. The Government could not expect the people of Ireland to respect the law, when they felt that they were being watched and suspected on all sides; and he thought that if the Government adopted his view a judicious relaxation would be made.

SIR MICHAEL HICKS-BEACH said, there was great force in what had fallen from the hon. Member who had just spoken; but, at present, he would not enter into the subject, although the Government were anxious to give it full consideration. The discussion would be better raised by the Amendment which stood in the name of the hon. and learned Member for Limerick. He could not support the Amendment of the hon. and gallant Member for Galway; and as to the question of compensation to farmers, that was a matter on which the Chancellor of the Exchequer would have something to say if any hopes were held out on that head.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 80; Noes 291: Majority 211.

CAPTAIN NOLAN moved, in page 2, line 11, to leave out "eighty," and insert "seventy-seven," with the view of limiting the operation of the Act to two instead of five years. He said, he considered there were many reasons why

the Act should not be continued in force longer than two years. In the first place, he objected to a suspension of constitutional liberties for a longer period, and when the noble Lord at the head of the Opposition supported the principle of the Bill, he did not understand that he intended to vote for its continuance for five years. Under any circumstances, hon. Members on that side would not be bound to support a proposal which would keep the Act in force for a longer period than had been proposed when they sat on the Ministerial side of the House. What did they do with the Mutiny Act? They knew that there was a suspension of liberty in connection with these Acts, and they were never adopted for a longer period than one year. No one had contended that these Coercion Acts were Constitutional Acts, even if circumstances had made them necessary; and he wanted to know, therefore, why they should be asked to pass them for so long a time? They destroyed the liberty of Ireland by these Acts for five years, and there was no encouragement to the people to advance. All hope was crushed out of them, and all their Representatives could do was to bring forward Motions and Bills in favour of repealing the Acts, which would be rendered unnecessary if they were prolonged for only two years. The present Parliament was not likely to last longer than five years, and that seemed to be the only reason for adopting that period.

Amendment proposed, in page 2, line 11, to leave out the word "eighty," in order to insert the word "seventy-seven."—(*Captain Nolan.*)

MR. M'CARTHY DOWNING hoped the proposals would be adopted, and said he believed many of those who had supported the Government hitherto would vote for this Amendment. The House ought to bear in mind the fact that in the state Ireland was in 1870, it was considered sufficient to pass an Act which was to continue in operation for two years. What justification could there be now, when crime was almost unknown in the country, for asking that the Acts should be continued for five years? He believed that the present Government would remain in power during that period of years, and that it was their intention if they were succeeded by a Liberal Admini-

nistration to leave these Acts as a legacy for them to deal with. At the end of two years, the Bill, or a portion of it, could be renewed, if it were necessary. No case had been made out for re-enacting these laws at all, and he hoped the feelings of the Irish people would not be strained by having these Acts forced upon them for five years.

THE O'CONOR DON said, he had on former occasions voted for these Acts being continued for two years rather than one, believing that if re-enacted annually they could be brought forward and accepted as matters of course, like the Mutiny Act, and great difficulty would be experienced in getting rid of them. He, however, entirely concurred with the Amendment, and he would make one remark which appeared to him to come with peculiar force at this time. This Bill was introduced as a relaxation of the code of coercion which had previously existed, and the Chief Secretary had held out the hope that this coercion would be still further relaxed. Why, then, should the House be asked to bind itself to the provisions as they stood for five years? They ought to pass the Bill for two years, and at the end of that time the House ought to have the opportunity of making such further relaxations as the condition of the country would admit of. If they bound themselves for five years, no matter what the state of the country might be, the provisions must remain in force, unless a Bill was brought in to repeal the Act, which, as hon. Members knew, was a very clumsy proceeding. He hoped the Committee would not sanction this very long extension of time.

SIR MICHAEL HICKS-BEACH said, he hoped that the Committee would have clearly before its mind the precise nature of the provisions which it was proposed to continue for five years. The hon. and gallant Member for Galway had spoken of taking away all the liberty of the country, and other hon. Members had used similarly extravagant language. Now, the provisions of the existing law, which the Bill proposed to continue, were these—Restriction upon the possession of arms; the issuing on sworn informations of search warrants for threatening letters; the arresting of absconding witnesses; the clauses allowing compensation for agrarian murder

Captain Nolan

or injury; and the special police tax, which had already been discussed at some length. Hon. Members must recollect that the clauses of the present measure were very different from the Act of 1870, which gave power to arrest strangers who were unable to give an account of themselves, which rendered liable to arrest persons who were out after sunset, and which imposed the most arbitrary restrictions upon the freedom of the Press. The main provision which was retained in the present Bill was the restriction upon the possession of arms. He would remind hon. Members of the past history of Ireland on this subject. Since the year 1796 there had only been a period of 18 months during which these restrictions did not exist. That period was in 1846-7, when it was found necessary to re-impose the restrictions which had been temporarily removed, with additional provisions infinitely more stringent than anything now proposed. Was, then, the Committee prepared to say—looking at the fact that these provisions had continued in operation for so long—that there was any chance that in the short period of five years they would become entirely unnecessary, not in certain parts of Ireland, but all over that country? If the noble Marquess who filled the office he (Sir Michael Hicks-Beach) now occupied were in his place he would, doubtless, agree that no other course could be adopted than that proposed by the Government. They hoped to be able to revoke these restrictions gradually, and they trusted that when the time they had fixed upon had expired—namely, five years—it would be no longer necessary for them, or for any Government, to re-enact them. Still, they did not think that the free possession of arms could be allowed in Ireland generally until the five years had expired. The provisions had, since 1847, been re-enacted at the end of every one or two years. Was it of any real use to continue this mode of proceeding? If the Government were of opinion that these restrictions would be unnecessary in one or two years, they would not make their present proposal; but they had no such hopes, and what they intended to do was this—when the agitation with regard to this measure had subsided—and it was subsiding already—they would gradually with-

draw the proclamations in certain parts of Ireland, and in this way relax these laws, until they prevailed over only a small part of the country. Perhaps, as matters progressed, even before the five years had expired the restrictions might be withdrawn all over Ireland. But they felt it their duty to ask Parliament to give them these powers for this lengthened period. They thought that they would have more chance in this way of carrying out their policy of gradual relaxation than if they came to Parliament at the end of 12 months or two years to renew these powers, and thus led to a constant renewal of excitement and agitation upon the question.

SIR PATRICK O'BRIEN observed, that if the Government thought it necessary to introduce this measure for the sake of the peace of the country, they ought to declare that they did so on their own responsibility, and relieve other persons from the odium of being supposed to sanction its operations for so long a period.

LORD ROBERT MONTAGU said, that the fact relied upon by the Chief Secretary for Ireland, that restrictions had existed upon the free possession of arms for nearly a century told the other way. The period during which there was no coercion law was during the Irish Famine, in 1847-8, when not a shot was fired in Ireland; while in London, at the time of the Chartist gathering on Kennington Common, the streets were lined with policemen kept carefully out of sight, and the corners were occupied by troops, the officers commanding which did not know who were their next neighbours, so carefully and secretly had the arrangements been made. Would any one on the Treasury Bench venture to propose these restrictions for England? He appealed to the front Opposition Bench to support the Irish Members in obtaining the small modicum of liberty for which they were now contending.

SIR WILLIAM HARCOURT said, he had not heard from the Chief Secretary for Ireland any sufficient reason for suspending rights of the character dealt with by the Bill for so long a period as five years. Former Governments in asking for such powers had acted upon a plain constitutional principle which the present Government—and for the first time—asked the House to depart

from. That principle was, that the responsible Government of the day should, from time to time, state to the House of Commons that there was an absolute necessity for the granting of the powers for which they asked. The right hon. Baronet the Chief Secretary for Ireland had reviewed the history of Ireland for nearly a century; but he had failed to show that any Administration—Liberal or Conservative—had ever made a proposal similar to the present. The argument of the right hon. Baronet in its favour would apply with equal cogency to the English Mutiny Act. That was an annual Act. Well, it was not likely that Her Majesty's Government had it in contemplation to dissolve the Army within the next five years; but what would the House of Commons say to a proposal to continue the Mutiny Act for five years? Such a proposition would not be entertained for a moment. Upon principle, and in accordance with precedent, it would be most objectionable that any Bill suspending important rights of Her Majesty's subjects should be allowed to continue for so long a period as that suggested by Her Majesty's Government. If two years was sufficient in 1847 and 1848, and in the most disturbed times in Ireland, surely a like period would be sufficient now. It was no argument to tell the House of Commons that the Government did not mean to execute the powers which they sought to obtain. The liberties of the subject had never been made dependent upon the discretion of any Government. The House had shown no disposition to support Her Majesty's Government during the progress of the Bill; but he must vote against the present proposal unless a much stronger reason was given for departing from established precedent than had yet been advanced.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, that he readily admitted that hon. and right hon. Gentlemen opposite had during the progress of the Bill acted towards Her Majesty's Government with great fairness. He assured the House that it would have been a far pleasanter thing for the Government, if they felt at liberty to do so, to bring in the Bill in a shape which would have rendered the Amendment unnecessary. The present was a measure of relaxation. ["No, no!"] Surely hon. Gentlemen opposite who

cried "No" must admit that, as compared with the Acts the Bill was meant to displace, it was a measure of enormous relaxation. Within the last few years the larger Act was continued in the Annual Continuance Bill, but last Session Her Majesty's Government gave a pledge that in future, so far as they were concerned, the subject should be treated in a different way if it required to be treated at all. It did require to be dealt with, and the Government had, after full consideration, come to the conclusion that they should ask the House to grant them the powers referred to in the clause for a period of five years. There was no parallel between the present Bill and the Mutiny Act. He had always understood that the Mutiny Act was continued only, from year to year, not so much on account of the provisions it contained for the punishment of offenders, but to reserve to the House of Commons power over that which would otherwise become a standing Army. The Westmeath Act, which was one of a very exceptional character, they only sought to continue for two years; but the power which this clause would confer upon the Government they felt in the interests of the peace of Ireland that they should ask for for a period of five years; and the Committee would remember that they could only be put in operation in districts which had been proclaimed by the Lord Lieutenant. There were only two clauses thus continued that applied to the whole of Ireland. One of them was the power to arrest absconding witnesses, and the other the power of making presentment in cases of agrarian outrage. Where there were no agrarian outrages this last provision of the Act would not come into force, and he regarded the clause giving the power of arrest as a most useful one. What the Government desired was, that they should have this reserve power for five years, but they hoped that it might not be necessary to keep all these clauses in force for anything like five years. The Government had already shown the Irish people their earnest desire to relax the severity of these laws, not only by repealing the most stringent of the provisions which their Predecessors had found it necessary to ask Parliament to assent to, but also by the manner in which they had administered them. He need scarcely say how gladly Her Majesty's Government would have

Sir William Harcourt

come down and told the House—"For the first time for the last 90 years we fling away these coercion Acts, and we now ask the House to repeal them." But Her Majesty's Government were compelled, unfortunately, to adopt a different course at this moment, and could not indulge in eloquent and heroic speeches of that character. Looking over that unhappy period of 90 years during which this kind of legislation had existed, they always found that there was a rising of excitement among the people whenever measures of stringency were suddenly relaxed. There followed some violent outbreak, and then it was found necessary to resume with increased severity the powers which had been abandoned. Such had been the case in 1846 and in the succeeding years, when famine was accompanied by outrage, and when the money that was subscribed by the people of this country to purchase food for the famine-stricken population of Ireland was spent by the latter in the purchase of arms. [An hon. MEMBER: Name!] If the hon. Member wished, he would read an extract from his authority—

"In the midst of the most horrible starvation a mania arose for the possession of arms, and the gun trade of Birmingham had experienced a great revival."

MR. O'CONNOR POWER asked the hon. and learned Gentleman to name the authority from which he was reading.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET): From *The Annual Register* of the year 1846, which was an authentic contemporary record of what had occurred, and which was not drawn up subsequently for controversial partizan purposes. In that work it was stated that, in Clonmel, so many as 1,138 stand of arms were disposed of in a few days, and in many cases were paid for in the silver just received by the Public Relief Committee. He was happy to think that there was not at present a chance of the recurrence of such a terrible state of things, for now we lived in a period of prosperity. Again, what was the state of things in 1870? These things occurred when they had tried the experiment of renewing the code for short periods. To avoid doing this, and to avoid the necessity of having to make the code more and more severe when they had to renew it, the Government had determined upon this occasion to adopt a different

course—that was, that whilst they relaxed measures of extreme stringency, they retained those parts of the code that were of a precautionary nature for a longer period. They believed that it would be more satisfactory if they took a renewal of the legislation for five years, so that they might be able to enforce it if necessary, instead of again within a short period raising this sad and vexed question in the House. The Government holding this power in reserve, would, it was hoped, be able to relax from time to time such sternness as even the revised Acts might possess by withdrawing their proclamation of the districts, whenever they found that they might do so consistently with the preservation of the public peace. Such was the programme Her Majesty's Government hoped to be able to carry out, and the manner in which these laws had been administered by them was a guarantee to the people of Ireland and the Irish Representatives in that House that these Acts would be enforced in the most conciliatory, cautious, and fair-dealing manner. An hon. Member (Mr. Downing) had suggested that the term of five years was fixed by the Government, in order to bequeath to their Successors the disagreeable, but inevitable task of passing another Peace Preservation Bill. But if the view taken by the majority of the Irish Representatives who had spoken on the subject were correct, then a Peace Preservation Bill would certainly not be wanted for Ireland at the end of five years. It seemed to him that each of these arguments cut the throat of the other. He need scarcely say that it was greatly to the regret of himself and of every Member of the Government that they felt themselves obliged to ask for a renewal of these Acts; but after having given the subject the most careful consideration, they felt that by doing so they would be taking the safest and surest way of securing peace and tranquillity in Ireland.

MR. GOSCHEN said, he would state in the briefest manner the reasons that induced him to support the Amendment. The Chief Secretary for Ireland had stated that he had received every support and every courtesy from that side of the House during the progress of this Bill, and he therefore trusted that hon. Members opposite would permit him to say a few words on the subject under

discussion. In reference to what had just fallen from the Solicitor General for Ireland, he wished to remark that the point involved was not a mere question of passing on the consideration of this subject from one Government to another, but was that of the propriety of transferring the important responsibility of ultimately repealing these Acts to another Parliament. Surely it would be wiser for the present Parliament, which imposed these Acts, to retain in their hands the power of either renewing them, or of letting them drop? But if this Parliament were to have the ultimate determination of this question, it was of the greatest importance that it should deal with it before the last days of its existence, inasmuch as it would not be desirable that it should have to discuss a Peace Preservation Bill for Ireland on the eve of a General Election. Under these circumstances, if no middle term between the five years and the two years that would be acceptable to all parties, could be found, he thought that it would be better that the power should be renewed for two rather than for five years. It was most desirable that the people of Ireland should know that the present Parliament would again consider within a limited time whether they might not further relax these restrictions. It was fortunate that the Act passed by the late Government was restricted to two years, as it had given the right hon. Gentleman opposite an opportunity of proposing to the House a Bill better suited to the present circumstances of the case. The present Parliament and the Government would not be sorry if, after two years, they might be able to make those relaxations in the Bill which both sides of the House generally desired. The Solicitor General for Ireland had spoken most fairly on the subject, and, on the other hand, he trusted that the Government would not misinterpret the vote he was about to give.

MR. VANCE remarked that the late Government had received every assistance from hon. Members sitting round him in their attempt to carry these measures; but hon. Members opposite had not shown any reciprocity in that respect towards the present Government. On the contrary, they had joined with certain Members from Ireland in opposing this Bill and to prevent its being carried into law. One reason why it was desirable

that the measure should be passed for five years was, that by that means they would prevent a recurrence for a considerable time of the sort of debates and scenes they had lately witnessed, which greatly impeded the general business of the country.

MR. RONAYNE supported the Amendment. He thought passing a Bill for five years but poor reward to the Irish people for being peaceful and contented for so long a time.

Question put, "That the word 'eighty' stand part of the Clause."

The Committee divided:—Ayes 230; Noes 144: Majority 86.

MR. FAY moved, in page 2, line 11, after "eighty," to add—

"Where any person shall be licensed or entitled to carry arms under the above-mentioned Acts, or any of them, he shall be at liberty to unite with with others so licensed in forming volunteer regiments, and such volunteers shall have in all respects the same rights, and be subject to the same laws and regulations, as the volunteer forces of England are now subject to."

THE CHAIRMAN said, he must point out to the Committee that, as the Amendment stood, it was outside the purposes of the Bill, and would require a separate Instruction of the House before the Committee could entertain it, because it would, if carried, have the effect of repealing certain clauses of the Acts relating to Volunteer corps in England.

MR. FAY said, he would mention the subject on the Report.

MR. BUTT moved, in page 2, line 11, at end, to add—

"Provided always, That nothing herein contained shall have the effect of continuing the eleventh section of the Act as passed in the eleventh year of the reign of Her Majesty, entitled 'An Act for the better Prevention of Crime and Outrage in certain parts of Ireland,' until the first day of December one thousand eight hundred and forty-nine, and to the end of the then next Session of Parliament; and from and after the passing of this Act the said section shall be and the same is hereby repealed."

The hon. and learned Member said, his object was to take away from the Lord Lieutenant of Ireland the power of preventing persons from having arms in their houses, but to leave to him the power of preventing persons from carrying arms outside of their houses. The powers of the Lord Lieutenant were now only optional, but he had the power of

issuing notices, the effect of which was to disarm the whole people. Not only were they not allowed to carry arms out of doors, but they were bound to deposit any arms they had in their houses at the police barracks. This being so, of course it was necessary that there should be the power of search for arms, and his Amendment, if carried, would enable them to escape the odious power of domiciliary search, which was so liable to abuse, and which in many cases had been actually abused. That power of search as it now existed amounted practically to a general right for any policeman to enter every man's house in a proclaimed district whenever he thought fit, by day or by night, and to ransack every room in it under the pretence of searching for arms. In doing that he might break open every door in the house. He asserted positively that the power of searching for arms as now exercised was nothing less than a power given to every policeman to break into any house he pleased in Ireland. He proposed to limit that power of search. Any concession which the right hon. Baronet thought it within his duty to make would be received in the spirit in which it was offered. He had not been able to give him the credit which he claimed for the relaxations of the present Bill. It was more severe in its provisions than the Act of 1856, although it was not so severe as the Act of 1870. The Committee had now decided that the operation of the measure should be extended to five years; it was therefore necessary carefully to scrutinize every provision in detail. He did not think there were any Amendments which had been placed on the Paper for the purpose of obstruction or raising a discussion, and they might fairly challenge the decision of the Committee on every one of them. It was a delusion to speak of these Acts as temporary measures—they were, in fact, perpetual. The first Act, that was introduced for two years, had been in existence for 33 years. He wished it to be clearly understood—he said it deliberately from information received since the Bill was introduced—that every one of the clauses to which objection was taken, was part and parcel of a most grinding and despotic system of police tyranny, which would be exercised under this Bill in many districts of Ireland.

He wished by this Amendment to prevent the importation and carrying of arms, but not to meddle with the sacredness of home. He hoped, although the Committee had decided against the last Amendment, they would not be deprived of the opportunity of taking the sense of the House on the duration of the Bill on bringing up the Report.

Amendment proposed,

In page 2, line 11, after the word "eighty," to insert the words "Provided always, That nothing herein contained shall have the effect of continuing the eleventh section of the Act as passed in the eleventh year of the reign of Her Majesty, entitled 'An Act for the better Prevention of Crime and Outrage in certain Parts of Ireland, until the first day of December one thousand eight hundred and forty-nine, and to the end of the then next Session of Parliament,' and from and after the passing of this Act said section shall be and the same is hereby repealed."—(*Mr. Butt.*)

SIR MICHAEL HICKS - BEACH said, he would not discuss the statements which the hon. and learned Member for Limerick had made with regard to an alleged system of police tyranny, or the special case of improper exercise of the power of searching for arms to which he had referred. All he would say on that subject was this—that if these cases were officially brought under his notice, they would be thoroughly sifted and justice done; but he was bound to observe that he could hardly remember a single instance of a complaint being made to him on the subject. Those portions of the hon. and learned Member's statement which related to future Amendments would be fairly considered when the time arrived. The present Amendment was proposed by the hon. and learned Gentleman as a mitigation of the present restrictions on the possession of arms; and he seemed to think if the Committee adopted it, the law would be still sufficient for the purpose required. But if it were adopted, the very foundation on which restriction was based would be destroyed, because the people would be able to keep their arms concealed, and take them out and use them for all practical purposes, without the police being able to detect them, precisely as if no proclamation had been issued. There could be no better way of getting rid of restrictions to carry arms than by supporting the Amendment. If the Amendment were adopted, those arms that had been deli-

vered up in the proclaimed districts would have to be returned, whilst the proclamation would remain in force. No result could be more absurd.

MR. BIGGAR said, the present law was altogether inoperative, since it affected only the well-disposed. Those who wished to make an improper use of arms could still obtain them in spite of any proclamations.

MR. BUTT, quoting the original Act, contended that it contemplated the carrying of arms as something entirely distinct from the possession of them in a dwelling, and therefore there was no difficulty in separating them now.

MR. SULLIVAN said, it was obvious that the object of the Government was to entirely disarm the Irish people. The present law had not been efficacious, he contended, not the slightest proof being forthcoming that the power of search had prevented a single outrage from taking place. What was the use of maintaining these powers when they (the Government) were admitting by their silence that they were not efficacious. The evil, on the other hand, of imposing such laws as these on the people was very great, and the hon. and learned Member for Limerick (Mr. Butt), in his Amendment, was no doubt, striking at the most objectionable part of the Bill—namely, these horrible domiciliary visits. This power given to the police amounted to dire oppression and insult, and its exercise tended continually to impress the people with the feeling that they were governed by an authority which considered itself hostile to their sentiments. His Predecessor was put out of the representation of Louth because the people there, especially the farmers and their wives, objected to the great power which was placed in the hands of the police. There had been no lack of instances showing the evils of the law. He remembered a case in which some love letters belonging to a young lady were taken by the police in the course of one of these visits. The friends of the right hon. Gentleman opposite, however, were caught tripping, and the young lady was advised to bring an action against the police-officer. She did so, and the result was that she recovered £250. damages. But what did the officer plead? Why, he pleaded the Coercion Bill. In conclusion, he declared that the Government were not

powerful to render their law efficacious—they were, indeed, powerful to madden the people.

MR. COLLINS said, there was no country in Europe where the Government possessed the power of depriving individuals of the power of protecting their own households and families. Even in Russia the idea of conferring such a power would be scouted. He appealed to the Chief Secretary for Ireland not to put such an indignity upon the people of that country, or do them so gross an injustice.

MR. CONOLLY considered that these provisions were absolutely necessary, and he should have thought that his hon. and learned Friend (Mr. Butt), from his great experience in the defence of criminals, would have had some idea that this was so. The millenium had not yet arrived in Ireland. The late Mr. John Martin, who had represented the county of Meath, said he never would be happy until he saw every Irishman armed. The possession of arms was the most dangerous possession, in his opinion, that the Irish people could have. First, because there was the danger which always existed to a peasant of a brother peasant endeavouring to rob him of them; secondly, because the Ribbon societies might insist upon his using them in a manner he would not like; and thirdly, because they were allowed to get rusty, were kept in bogs and ditches, and were therefore quite as likely to go off backwards as forwards. A peasant who sat with arms in his house sat in reality upon a barrel of gunpowder.

MR. FAY characterized the arguments used by the last speaker as weak and illogical. He had said that the first reason why a peasant should not have a gun was that his brother peasant would take it away from him. But one would be as strong as the other; in fact, the man with the gun would be much safer from intrusion than he would be without it. Then with regard to Ribbonism, it was now admitted on all hands that the organization was a myth. The peasantry were Conservative, for since the passing of the Land Act they had a stake in the country. As to the third point—the rusting of the guns—if the arms were kept in the bogs and dykes, surely there was no need of domiciliary visits.

Sir Michael Hicks-Beach

LORD ROBERT MONTAGU said, he did not believe in the existence of Ribbonism at present, but supposing it to exist in such perfect organization as the Government would have them to suppose, then the effect of disarming all well-disposed persons in a district would encourage evil-disposed persons to attack them, knowing as they did that their intended victims had no weapons with which to defend themselves. The evidence given before the Westmeath Committee showed that a Ribbon murder was never committed by any person residing within the barony—it was always perpetrated by some person who came from a distance. The effect of the 3rd clause was to encourage ill-disposed persons to commit outrages, and to leave well-disposed persons at their mercy.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 63; Noes 116; Majority 53.

MR. O'SULLIVAN moved, in page 2, line 14, to leave out from after "lawful for," to and including "authorise," in line 16. He stated that the object of the Amendment was to enable persons who had a licence to possess arms, to carry and use them on their own land.

SIR MICHAEL HICKS-BEACH said, he thought the hon. Member did not quite appreciate the probable effect of his Amendment, which would be to limit rather than to increase the number of licences granted to persons to have arms in their houses for self-protection. He thought that the hon. Member's object would be attained by the proposal which he (Sir Michael Hicks-Beach) had already inserted in the Bill.

MR. MOORE said, that those who administered the law in Ireland did not appear quite to understand what they were administering. In the counties of Meath and Louth, and in other parts of Ireland, resident magistrates gave permission to persons licensed to have arms in their houses to carry those arms over their own grounds, and also permitted *employés* to carry their masters' guns so long as in their employ, and no longer; whereas other magistrates of experience refused to give any such permission.

MR. BUTT said, there could be no doubt about the law as it stood, and under it only two classes of licences

could be granted—the first class that of persons licensed to keep arms in their houses, and the second class a general licence to carry arms abroad. Although it would be regarded as a boon by occupiers of land having licences to keep arms in their dwellings if they were allowed to carry them over the lands in their occupation, yet the effect of the hon. Member's Amendment would probably be to limit still more than at present the number of persons to whom licences of the first class would be granted.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, he hoped the hon. Member would not press his Amendment to a division, because it would limit the number of those to whom licences were granted.

MR. O'SULLIVAN said, a licence to a man merely to have arms in his house would prevent him from defending himself with a gun outside of his house if he were attacked. He believed that the whole object of the restriction in question was to protect game, and he should feel bound to press his Amendment to a division.

MR. CALLAN said, he wished to make an appeal to the Government, but, as it was unrepresented on the Treasury Bench, and hon. Gentlemen generally seemed to feel little or no interest in the matter before the House, he begged to call attention to the fact that there were not 40 Members present, and to move that the Chairman do report Progress.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) apologized for his temporary absence, as he did not, at the moment, know that the Chairman had returned to the Chair, and expressed his readiness to deal with any observations which the hon. Member desired to make.

MR. CALLAN said, he had merely moved to report Progress in order to give the hon. and learned Gentleman time to return to the House. He now appealed to the Government to accede to the proposal of the hon. Member for Limerick (MR. O'Sullivan), which he thought only a fair and reasonable concession to be made to the Irish farmers. He begged to withdraw his Motion to report Progress.

Motion, by leave, *withdrawn*.

SIR EARDLEY WILMOT said, he hoped that the Government would see their way to accept this Amendment, as he thought it a very reasonable one.

MR. BUTT said, this matter was a very important one. He thought perhaps the question might be fully weighed by the Government before the Report on the Bill, as he was sure the right hon. Baronet would do well to take the subject into consideration.

SIR MICHAEL HICKS-BEACH said, he was prepared to consider the subject before the Report; at the same time, he could give no promise as to what course he would take with reference to the matter.

CAPTAIN NOLAN observed, that licences could not keep a man from shooting his landlord, if he were so inclined, or prevent an insurrection, and the object of the Bill, he contended, must therefore be the preservation of game.

MR. CALLAN said, during the time the debate had lasted that evening the Government had not yielded one iota to Irish Members. The clause was really in the interest of the game-preserving population and not in the peace-preserving interest.

MR. CONOLLY asked whether the clause would allow farmers to carry arms over their own farms? It was a matter of great importance that farmers should be allowed to carry arms. He hoped the Chief Secretary for Ireland would find it possible to assent to the clause.

MR. MELDON said, there was no reason why the Committee should come to a decision on this point to-night. The simple issue was if a person was licensed to have arms in his house, why should he not be allowed to carry arms over his grounds? He hoped the Amendment would be carried.

MR. VANCE hoped, considering the promise made by the Chief Secretary for Ireland (Sir Michael Hicks-Beach), that the matter would not be pushed to a division. If it were, he should vote with the Government.

MR. CALLAN was not surprised that the hon. Member who had just spoken did not appreciate the hardship of the Bill, seeing that his constituents were allowed to carry arms to the public detriment. The only time he (Mr. Callan) had been shot at was in the city which the hon. Member represented (Armagh) on the 12th of July last. He happened

to be standing in the garden of the college attached to the Roman Catholic cathedral by the side of the clergyman, when a shot was fired, and the sexton was struck down, and the shot was fired by one of the hon. Gentleman's constituents. He did not object to the inhabitants of Armagh being prevented carrying firearms, but he did object to the peaceable farmers of Ireland being placed on the same footing with them.

MR. VANCE said, there had been a previous discussion in the House on this question, and there was a grave difference of opinion as to the person from whom the shot came; but he did not think there was any proof that it came from one of his constituents.

SIR EARDLEY WILMOT joined in the appeal to the hon. Member for Limerick county (Mr. O'Sullivan) for the withdrawal of the Amendment.

MR. O'SULLIVAN said, he would withdraw it if the Chief Secretary for Ireland gave him a positive promise that he would re-consider the matter.

SIR MICHAEL HICKS-BEACH said, he could give no assurance that the hon. Member's views would be adopted. All he could say was that he would look into the matter again in deference to the wish which had been expressed that the licences should be extended as widely as possible.

MR. GREGORY said, the object of the clause was to enable persons to have arms in their hands for the purposes of defence, but not of aggression.

MR. O'SHAUGHNESSY urged the hon. Member to withdraw his Amendment.

MR. M'CARTHY DOWNING pointed out to the hon. Member the necessity of deferring to the expressed wish of the hon. and learned Member for the city of Limerick (Mr. Butt), in the interests of the Home Rule Party.

MR. SMYTH also deprecated the pushing of the Amendment to a division, as it would alienate from the hon. Gentleman (Mr. O'Sullivan) a section of the Irish Members.

MR. O'SULLIVAN assented to the request made to him.

Amendment, by leave, *withdrawn*.

MR. BUTT moved, in page 2, line 20, at end, to insert—

"The person appointed to grant licences to have or carry arms in any district shall be bound

to grant a licence to have arms or to have and carry arms upon any specified lands, or a licence to have and carry arms generally, to any person resident within the district who shall produce to him a certificate signed by two justices of the peace for the county that he is a fit and proper person to have such licence respectively."

SIR MICHAEL HICKS - BEACH welcomed the Amendment as a proof of returning confidence in the magistrates of Ireland on the part of the hon. and learned Member for Limerick and those with whom he acted. He would accept the proposition on the understanding that the certificate should be signed by magistrates residing in the same petty sessional division as the person applying, because he thought that personal knowledge ought to be secured. He moved an Amendment with the object of carrying out this view.

MR. BUTT said, he thought this would give rise to considerable difficulty in some parts, where but few magistrates resided, and he suggested that the certificate should be signed by magistrates residing in the same quarter sessional division as the applicant.

MR. CONOLLY said, he was sorry the Government had accepted this Amendment. There were such people as popularity-hunters, and Benches of Magistrates in Ireland were not always free from this taint. In a large body like the magistrates of Ireland they could not all be angels, and some of them, he was sorry to say, had nothing angelic about them at all. Two magistrates would have the power of frustrating the design of the Act, and a person might obtain a licence upon the certificate of two of the greatest Numskulls in the county. The House had, in fact, got itself into a nice "mess," and he would try and extricate it by dividing the House against the Amendment.

MR. M'CARTHY DOWNING remarked that a magistrate in his county certified in favour of a man holding a considerable portion of land on the seaboard, whose crops were being destroyed by sea-fowl and rooks, and the certificate was signed by a gentleman of rank in the county; but when it was presented to the resident magistrate he refused to act upon it, although he had not a word to say against the man's character. The Amendment which had been accepted, with a modification, by the right hon. Gentleman the Chief Secretary was really the only

concession which had been made since the House went into Committee on this Bill. He hoped, therefore, that the hon. Member for Donegal (Mr. Conolly) would not go to a division on the subject.

MR. CALLAN observed, that there were many petty sessional divisions in which it would be impossible to get the signatures of two resident magistrates. He would suggest that the signatures of two magistrates in the quarter sessions division or in the barony should be sufficient. It ill-beseemed a Member sitting upon the Conservative benches to call the Irish magistrates "numskulls."

MR. W. JOHNSTON said, he was quite satisfied at the acceptance of the Amendment by the Government, and he had no sympathy with the views of the hon. Member for Donegal (Mr. Conolly).

MR. COLLINS appealed to the right hon. Gentleman not to restrict his good intention unnecessarily, and that he would consent to introduce the words "baronial division."

Amendment amended and agreed to.

Amendment proposed,

In page 2, line 9, after the word "endorsement," to insert the words "any order made after the passing of this Act for the revocation of any licence or licences granted to any person or persons to have or carry arms shall state in such order the reason for the revocation of same."—(Mr. Richard Power.)

SIR MICHAEL HICKS-BEACH said, he could not accede to the Amendment of the hon. Member. Revocation of licence was only made after careful inquiry, on the authority of the Lord Lieutenant, and he could easily imagine circumstances under which it would be highly inexpedient to publish the information so obtained.

MR. BUTT suggested that the Amendment should not be pressed by his hon. Friend. He (Mr. Butt) must, however, protest against the power which the magistrates would have under the Bill of branding a man's character in private without affording him an opportunity of knowing and probably of repelling the charge made against him.

MR. STACPOOLE said, he thought that the magistrates of Ireland might safely be intrusted with the duty which the clause would impose upon them.

MR. CALLAN protested against the assertion that Irish magistrates might safely be allowed in secret to decide upon the character of a man and the course which the Government ought to adopt towards him.

MR. STACPOOLE stated, without fear of contradiction, that the magistrates of Ireland were as independent and straightforward a body of men as could be found in the Three Kingdoms. The Government would, he believed, do a service to the country by acting upon any suggestion they might make.

Question put, "That those words be there inserted."

The Committee divided: — Ayes 82; Noes 199: Majority 117.

MR. R. POWER moved, in page 2, line 20, at end, insert—

"Every person appointed to grant licences under this Act shall keep a true and perfect list of the names and residences of all persons applying for such licences, and shall on the first day of every month deposit with the clerk of the peace of the county a true and perfect copy of such list, adding thereto to the name of each applicant a statement showing whether the licence has been granted or refused, specifying also the nature of the licence applied for, and the nature of the licence, if any, granted, which list shall be kept by the clerk of the peace among the records of the county."

SIR MICHAEL HICKS-BEACH said, he had no objection to the Amendment provided the words "true and perfect", were omitted, and that for "month" the word "year" was substituted.

Amendment, as amended, agreed to.

MR. M'CARTHY DOWNING moved, in page 2, line 20, at end, insert—

"Every person duly licensed to kill game shall be entitled as of right to obtain a licence to have and carry arms under this Act."

This would restore the law to what it had been prior to the Act of 1870.

Amendment proposed,

In page 2, line 20, after the word "endorsement," to insert the words "every person duly licensed to kill game shall be entitled as of right to obtain a licence to have and carry arms under this Act."—(Mr. Downing.)

SIR MICHAEL HICKS-BEACH pointed out that the Amendment would simply have the effect of taking away the discretionary power of the licensing authority in the case of persons who chose to pay £3 3s. for a game licence.

CAPTAIN NOLAN supported the Amendment. He thought that persons

who would pay £3 3s. for a game licence would not belong to the "dangerous" classes.

MR. GOLDNEY maintained that if the clause were passed as it was it would entirely remove all discretionary powers from the county magistrates.

MR. CALLAN said, he hoped the Chief Secretary would agree that persons having a licence to carry arms in their own county should, if they had also a game licence, be permitted to carry arms in any part of the country. At present they could not join a shooting party in a neighbouring county.

MR. RONAYNE stated that he had suffered inconvenience personally as a sportsman under that clause. After paying £3 3s. for a game licence he had gone out shooting without having also a licence to carry arms, being ignorant of the alteration of the law which rendered the latter licence necessary. In that way he understood he had made himself liable to two years' imprisonment with hard labour every time he had gone out shooting, and it was in the power of any policeman to have arrested him. When he became aware of the real state of the law he got rid of his dogs and his gun because he could not bring himself to go and ask a magistrate for permission to carry arms. That grievance might be a sentimental one; but it was keenly felt by the highly intelligent constituency which he represented.

LORD CLAUD HAMILTON said, he thought the Representative of an intelligent constituency ought to look into the Acts of Parliament relating to his country, and if he found that he had infringed the law and that the Government had not come down upon him for it, he ought to be grateful to them for their clemency, and not complain of it as a sentimental grievance.

MR. SULLIVAN replied that in such a case it was the first duty of a Viceroy to know the laws he had to administer, and not to break them. Was it becoming for the son of a Viceroy who, ignorant of the laws he had sworn to maintain, had rendered himself liable to prosecution as a felon, to tell an hon. Member that, as a simple Representative, he ought to study the uncoded laws of the British Empire? He (Mr. Sullivan) believed that if the noble Lord was examined, he would prove to be well able to preach, but not to practise.

Mr. RONAYNE, in explanation, could only refer to the complicated state of English legislation, and of the penal enactments.

THE MARQUESS OF HAMILTON: Will the hon. Member for Louth state the laws of which the Viceroy was ignorant and which he had broken?

MR. SULLIVAN: With the greatest pleasure. I was referring to those portions of the Act of 2 & 3 *Vict.* which the Government is now about to amend, as it provides that every unregistered Freemason in Ireland is liable to be prosecuted as a felon. I hope that no one will deny—no brother Mason certainly will deny—that the Viceroy of Ireland is a Freemason. I am not aware that his name is on the return of registered Freemasons. If it is, I make the most profound apology to him, not only as Viceroy, but also in his other character, in which I highly respect him, as an Irish gentleman and a nobleman who is extremely popular in our country. If it be true that these Acts have been so absurd and complicated that a Viceroy was ignorant of their provisions, I put it to the House whether it is to be wondered at that the hon. Member for Cork should be ignorant of the law for three months? I should be glad to hear now that the Viceroy was registered, and not a felon. We are now about to amend the law, so that there shall no longer be felons in high quarters in Ireland through ignorance of the law.

THE CHAIRMAN wished to remind the Committee of the Question before it. It was proposed to insert words to the effect that every person duly licensed to kill game should be licensed to carry arms.

DR. O'LEARY spoke in favour of the Amendment, and said that he himself had similar experience of the difficulty of understanding the Act to that which had been stated by the hon. Member for Cork. He hoped the Chief Secretary would consent to modify the clause.

MR. O'CONNOR POWER appealed to the hon. Member for the county of Cork to press his Amendment to a division, and he should have his support.

SIR JOSEPH M'KENNA moved a verbal Amendment in the Amendment of the hon. Member for Cork.

MR. MELDON opposed the verbal Amendment, and stated that the law, as it now stood, in relation to game licences, authorized any man having a game

licence to go through any proclaimed district in Ireland with his gun.

SIR MICHAEL HICKS - BEACH said, he understood the hon. Member who had just spoken to state that a person having a licence to carry arms and also a game certificate, was thereby authorized to carry arms in any proclaimed district; and he believed this to be correct.

SIR JOSEPH M'KENNA: Then, Sir, after what the right hon. Gentleman the Chief Secretary for Ireland has stated I withdraw my Amendment.

Amendment, by leave, *withdrawn*.

MR. BUTT said, there was no instance wherein it could be shown that men possessing game licences had turned their arms to improper uses. The present Bill was going beyond the Act of 1847.

MR. BIGGAR moved that the Chairman do report Progress.

Motion *negatived*.

MR. BIGGAR again rose, and said he had intended to ask leave to withdraw his Motion, which he made simply because the House would not hear him. He must be heard or would repeat the Motion.

THE CHAIRMAN ruled that it was not competent for the hon. Member to renew a Motion which had been negatived.

MR. CALLAN protested against the unseemly conduct of hon. Gentlemen on the Ministerial side of the House. They were sent to Parliament to express their opinions freely and fully, and they ought not to be interrupted by unseemly noises. He would move that the Chairman do leave the Chair.

SIR H. DRUMMOND WOLFF appealed to the Chairman to know whether it was in Order for one hon. Member to say that other hon. Members had been guilty of "unseemly conduct."

THE CHAIRMAN said, he did not understand the hon. Member to apply the term "unseemly conduct" to hon. Gentlemen, but to use the words "unseemly noises," and he must point out that even that term was not desirable.

MR. CALLAN said, that he did not think it was fair that hon. Members should be interrupted in their observations by noises which were not seemly, and if the noises were not seemly they were unseemly noises; and therefore, in spite of the hon. Gentleman who had

just risen to Order, he begged to repeat his remark.

THE CHAIRMAN said, he must again point out that the words "unseemly noises" were not a desirable term to use; and he must also say that it was not the practice of hon. Gentlemen to repeat expressions after they had been ruled to be undesirable.

MR. SULLIVAN quite understood that the Committee should evince a little impatience at listening to the hon. Member for Cavan (Mr. Biggar); but he desired to say that up to the present both sides of the House had evinced the fairest disposition to carry on the discussion. He hoped, therefore, the hon. Member for Dundalk (Mr. Callan) would withdraw his Motion, and that the hon. Member for Cavan would be heard.

MR. BIGGAR said, he intended to be heard. If hon. Members did not like it they had their remedy—and he had his. All he wanted to say was that the Excise in Ireland had power to grant licences for the sale of spirits, and he did not see why the gun licences should not be in their hands also.

MR. CALLAN said, the Chairman had misunderstood him if he thought he had repeated anything which it had been ruled was undesirable to be used in debate.

Motion, by leave, *withdrawn*.

MR. M'CARTHY DOWNING inquired whether it was intended, as he believed it was, by the clause to prevent a man who held an arms licence in his own county carrying arms into an adjoining county which was proclaimed?

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) replied that in the case referred to, a licence to carry arms in the proclaimed district, or in some other proclaimed district, would be required.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 84; Noes 250: Majority 166.

MR. BUTT moved, in page 2, line 26, at end to insert "between sunrise and sunset." There was no reason why search warrants should be used at any hour of the night. For any legitimate purpose the power of search in the daytime was sufficient. What he wished was to restore the law to what it was be-

fore 1870. At the present moment every man's house was liable to be broken into without warrant at any time. There was such a thing as lawless law, and this was one. In England they had given household suffrage; in Ireland they gave household search. That was the law in 31 counties of Ireland. Every house was at the mercy of a common policeman.

SIR MICHAEL HICKS-BEACH said, that after listening to the speech of the hon. and learned Member for Limerick he could well understand how it was that there was so strong an opposition on the part of some hon. Members who sat below the Gangway on the opposite side of the House to this measure, the cause of their opposition being a want of knowledge of the provisions of the law as it now existed. Neither in law nor in fact was it true that in 31 counties in Ireland any man's house could be searched at the will of a common policeman. No policeman could search the house of any man without a warrant issued by the proper authorities; and, in the second place, no search warrant had been in force in Ireland except for searching houses specially named since June last, with very few exceptions, as in the case of certain ports where there was reason to fear that arms were being imported. Under those circumstances, the eloquent denunciation of the existing law by the hon. and learned Member appeared to be a little exaggerated. Having looked at the matter very carefully, however, he felt that the existing law respecting the search for arms might be fairly amended in several material respects. He therefore proposed to accede to certain of the Amendments which had been proposed by the hon. and learned Member and his Friends. Thus, he would assent to the proposal that the search for arms should only be between sunrise and sunset—a concession which he believed would be of very material importance. A great deal had been said about the dreadful way in which the houses of the Irish peasantry were invaded at night. He was willing to secure them against any such danger. He was also prepared to agree to the Amendment of the hon. and learned Gentleman that search warrants should not be executed except in the presence and under the direction of some responsible officer. The third Amendment provided that such

Mr. Callan

warrant should not be executed except by the authority of a justice of the peace acting for the county within which it was to be executed, specifying the house or place to be entered. To that Amendment he must object, because it would place the authority of a justice of the peace over that of the Lord Lieutenant, and therefore he hoped the hon. and learned Member would not press it. Under these circumstances, he asked the hon. and learned Member for Limerick and his Friends to meet the Government in the same conciliatory spirit, and to accept the compromise he had suggested.

MR. BUTT said, that the right hon. Baronet in assenting to these Amendments had done much to mitigate the evils of this coercive legislation, inasmuch as it might now be said with truth that the general right of domiciliary search no longer existed. He need scarcely say that the Irish people would fully appreciate the action of the right hon. Baronet and of the Government in the matter; and, for his own part, he could with a clear conscience return his sincere thanks to the right hon. Gentleman for the concessions he had made.

The two first Amendments were then put and agreed to.

MR. BUTT said, that after the generous spirit shown by the Chief Secretary, he was unwilling to interrupt the general harmony, and he would therefore withdraw his Amendment on the understanding that he should have the power to move it on the Report.

Amendment, by leave, *withdrawn*.

MR. FAY moved, in page 2, line 36, to leave out "one year" and insert "forty-eight hours." He thought 48 hours' imprisonment was sufficient punishment for a person found in the possession of arms, especially after what had been stated by the hon. Member for Donegal (Mr. Conolly) as to the character of some Members of the Irish magistracy.

SIR MICHAEL HICKS-BEACH opposed the Amendment, which seemed to savour somewhat of a ridiculous character.

MR. CONOLLY: I wish to deny emphatically having depreciated the local magistrates of Ireland as a body. I did say some of them were not angels. ["Numskull."] I did say there were

Numskulls among them, and I will say further, that there are Numskulls in this House.

MR. RONAYNE said, that the hon. Member had shown that there were Numskulls in the House, and the Government had evidently thought that there were Numskulls amongst the local magistracy, because stipendiary magistrates, who in many cases knew nothing of the law, were placed over them.

MR. SULLIVAN suggested that three months should be inserted instead of 48 hours.

MR. FAY asked permission to withdraw his Amendment. ["No."]

SIR WILLIAM HARCOURT complained of the language of the Irish Secretary, and expressed the hope that the original Amendment would be allowed to be withdrawn.

SIR MICHAEL HICKS-BEACH said, the hon. and learned Member, not having been successful in his operations against the Bill in the earlier part of the evening, had now, after he (Sir Michael Hicks-Beach) had spent a long and fatiguing evening in the Committee, come down, without hearing a word of what he had said, and accused him of using improper language. He would appeal to the Committee, whether he had used any language justifying the implied censure of the hon. and learned Member? He had only said that the Amendment would tend to make the Bill ridiculous. If the original Amendment were withdrawn, there would at any rate not be this objection to the substituted Amendment. The penalty had already been reduced from two years to one year, and he had hoped that this concession would have received more acknowledgment.

MR. DODSON said, he had heard no improper language attributed to the right hon. Baronet; and, indeed, his hon. and learned Friend (Sir William Harcourt) had spoken in a conciliatory manner. He hoped that the original Amendment would be allowed to be withdrawn.

MR. DISRAELI said, as a general rule, he should like to meet the wishes of the Committee, and as far as he had any influence in that House, he should use it to try and induce the Committee to consent to the withdrawal of the hon. Member's (Mr. Fay's) Amendment. With regard to the progress of the Com-

mittee with the Bill, there appeared to be a misconception, not only in that House, but out-of-doors; but so far as it appeared to him, he must say that he thought the progress made with the Bill was satisfactory, and the spirit in which the discussion had been carried on by the Committee so business-like and encouraging, that by meeting to-day at 2 o'clock they would, no doubt, make considerable further progress with the measure. It was a proposition which he had no doubt would be generally popular, and he hoped the remaining parts of the Bill would be discussed in the same well-intended feeling as the preceding parts had been. He hoped the hon. Member would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. MELDON proposed to omit "one year" in order to insert "three months for a first offence, and not exceeding one year for any subsequent offence."

Amendment proposed,

In page 2, line 36, to leave out the words "one year," and insert the words "three months for the first offence, and not exceeding one year for any subsequent offence."—(*Mr. Meldon*.)

Question put, "That the words 'one year' stand part of the Clause."

The Committee *divided*:—Ayes 179; Noes 120: Majority 59.

MR. SULLIVAN moved that Progress be reported, and suggested that the discussion should be resumed on Monday.

MR. DISRAELI acceded to the Motion for reporting Progress, but remarked that the Committee so thoroughly understood the subject of the Bill now that they could dispose of it more easily at a Morning Sitting to-morrow than at an Evening Sitting on Monday.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

EDUCATION (SCOTLAND) (SUTHERLAND AND CAITHNESS) BILL.

Resolution [April 23] *reported, and agreed to*:—Bill *ordered* to be brought in by The Marquess of STAFFORD, Sir JOHN SINCLAIR, Sir ROBERT ANSTRUTHER, and Mr. WHITBREAD.

Bill *presented*, and read the first time. [Bill 145.]

Mr. Disraeli

SAVINGS BANKS, &C. BILL.

Resolution [April 28] *reported, and agreed to*:—Bill *ordered* to be brought in by Mr. RAIKES, Mr. CHANCELLOR of the EXCHEQUER, and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time. [Bill 146.]

LANDED PROPRIETORS (IRELAND) BILL.

On Motion of Mr. P. J. SMYTH, Bill to facilitate the creation of a class of small Landed Proprietors in Ireland, *ordered* to be brought in by Mr. P. J. SMYTH, Mr. P. MARTIN, and Mr. JOHN BRIGHT.

Bill *presented*, and read the first time. [Bill 148.]

TENANTS COMPENSATION BILL.

On Motion of Sir THOMAS ACLAND, Bill to secure compensation to outgoing Tenants of Agricultural Holdings for outlay on the soil in certain cases, and facilitate and define the application of Capital in the Improvement of Land, *ordered* to be brought in by Sir THOMAS ACLAND, Lord GEORGE CAVENDISH, Sir HARCOURT JOHNSTONE, and Colonel KINGSCOTE.

Bill *presented*, and read the first time. [Bill 149.]

NORTHAMPTON IMPROVEMENT COMMISSIONERS BILL.

On Motion of Mr. MEREWETHER, Bill to confirm certain acts and transactions of the Northampton Improvement Commissioners, *ordered* to be brought in by Mr. MEREWETHER, Mr. CARTWRIGHT, and Mr. HEYGATE.

Bill *presented*, and read the first time. [Bill 147.]

House adjourned at half after
One o'clock.

HOUSE OF LORDS,

Friday, 30th April, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Seal Fishery (Greenland) * (80); Pollution of Rivers (81).

Second Reading—Pier and Harbour Orders Confirmation * (64).

Select Committee—*Report*—Church Patronage (Scotland) (78).

Report—Church Patronage * (12-79).

Third Reading—Indian Legislation * (59); Justices of the Peace Qualification * (72), and *passed*.

NAVAL ORDNANCE — BREECH-LOADERS AND MUZZLE-LOADERS.

MOTION FOR RETURNS.

THE DUKE OF SOMERSET, in moving for a Return relative to the different classes of guns and projectiles in use in the Navy, said, that the question of our naval artillery was one of the most important that could be considered—it in-

volved the efficiency of our ships for the purposes of naval war; for whatever use might be made in the future of rams or torpedoes the main strength of a ship of war must rest in her guns. We had now in use in the Navy guns of various sizes—some of enormous weight and great size. We had no longer ships of 80, 100, and 120 guns with armament of comparatively small calibre: our ships now carried but few guns; and this being the case, those ought to be the best possible weapons that mechanical science could produce. To carry such weapons our ships had to be of a very large tonnage. Thus the *Hercules* was a ship of 8,000 tons, though she carried only 16 guns, but eight of them were of 18 tons weight and were 15 feet in length. It was not very long since guns of 8 and 12 tons were regarded as very heavy naval artillery; but we had now 18-ton guns, 25-ton guns, 35-ton guns, and he believed that a gun of 80 tons was now in course of construction. In proportion to the weight of those guns was their length, so that we should have guns 28 feet in length. This was an element which could not be lost sight of in the consideration of this question, because the size of the gun governed the size of the ship; and when any ship was about to be constructed, the Constructor must know the description of gun she was intended to carry. Whether she was to be a turret or a broadside ship she must be adapted to the size of her guns. The advantage of a long gun appeared to be that it burnt a greater quantity of powder. Now, when a gun was a muzzle-loader it had to be carefully sponged out to prevent accident, and in the case of a gun of even 18 or 20 feet that must be a very difficult operation. It was one of the great difficulties to be contended with in the use of muzzle-loaders. Again, the enormous length of the gun involved great weight on the upper part of the ship, and to compensate for this a great weight of ballast must be placed in the bottom part. Those were difficulties which had arisen with the improvements in naval artillery. But to come to a point on which he wished to direct the earnest attention of their Lordships—the advantages of breech-loading guns. The House would remember that in 1860 the Admiralty of that day made a trial of breech-loading guns on the Armstrong principle. Owing to the failure

of that experiment, the breech-loading system in our heavy guns was abandoned, and the guns with which our ships were furnished were muzzle-loaders. Sir William Armstrong was a very clever man, and he produced a very clever gun; but it was found on experiment that the vents of his breech-loaders were apt to fly out, and the consequence was that breech-loaders had been entirely discarded in the Navy. There could be no doubt that the Armstrong breech-loader had the defect which he had just mentioned; but because we had discarded this gun it ought not to be supposed that the breech-loading system had been discredited. On the contrary, if we could get a good breech-loading gun, which would not be more liable to accident than the muzzle-loader, undoubtedly it would be the gun for our Navy. It possessed various advantages over the muzzle-loader. As the breech-loader had a powder chamber larger than the rest of the bore, you could put in more powder. In the muzzle-loading gun you had to limit the size of your cartridge to that of the bore. In the breech-loader you could put in a cartridge larger than the bore. You put in your shot first, and your powder after. In the next place, the men working breech-loaders were much less exposed than those working muzzle-loaders. Next, the breech-loader need not be drawn in for loading; but the muzzle-loader must be drawn in: and when they were drawn in, the ports must be shut: otherwise, men and ship might be exposed to a very dangerous fire from the enemy, because there could not be a better bull's-eye than an open port. Then, while the men were loading they were in comparative darkness owing to the port being closed. It was difficult for the gunners to make a good shot immediately the port was opened and the gun was turned out after they had been in such bad light just before. When men were exposed to a close fire there was the danger of their getting into confusion and not serving the guns properly. Such an occurrence was experienced in the engagement on the Adriatic between the Italians and the Austrians. The musketry fire so disorganized the sailors that the officers had to come forward and load the guns. There was a further danger in muzzle-loaders of the premature explosion of the car-

tridge, as was pointed out by the *Manual of Artillery*, which could only be obviated by the embarrassing process in action of careful sponging after firing: while this inconvenience was altogether obviated by the use of the breech-loader. The "Manual" further stated that the breech-loader had the further advantage of saving the men from the noxious effects of the gas felt in the case of muzzle-loaders. Another and decided advantage in the breech-loader was that you could see any small crevice or other defect in the inside of the gun. Their Lordships knew that to be so in the case of breech-loading fowling-pieces, and it was the same with breech-loading large guns. He need scarcely point out the advantages possessed by the breech-loaders over the muzzle-loaders for gunboats and steam launches, such as were sent up the rivers in Africa, keeping the men under shelter, whereas they would be fully exposed to fire with the muzzle-loader. What, then, was the objection to breech-loaders? As he had already stated, they had been objected to on the score of strength; but he believed that they could be made as strong as they were required to be; and this seemed to be the opinion of Continental nations. It was now shown that we were no longer confined to the old description of steel. Steel could now be made of any strength and of various degrees of hardness and ductility. What he said, therefore, was that the Government should make experiments with breech-loaders. It was better to try any necessary experiments in time of peace than to be found behind other nations in a time of war. His advice to the Government was to have a certain number of guns made of Whitworth's steel—let them try some of these guns to destruction, in order to test whether they burst explosively. Then as to the projectiles, the projectiles now in use, they were of composite materials, and the studs were found to tear away in the rifling, and to be scattered at the muzzle of the gun to the great danger of the troops. After a sufficient number of trials in firing, the best metal for guns would easily be ascertained. Another important point in favour of the breech-loader was, that you need not place any limit on the length of the gun, whereas with the muzzle-loader the contrary was the case. It was asserted in favour of the muzzle-loader that the pro-

jectiles had the greater velocity; but in naval guns and projectiles great power of penetration was required as well as velocity. Accuracy of fire was another requirement, and so also was facility of loading. Then you wanted a low trajectory. Shot and shell which flew with a low trajectory were much superior for chasing purposes at sea, where distances were not known; and, as had been stated by engineers of authority, if you made a projectile of iron and then bored holes in it, obviously it would be a much weaker projectile than one made of steel. Perhaps he might be asked why it was that, holding as he did such views, he had not himself ordered the construction of some breech-loader guns when he was in office. His answer to that was that he did order some Whitworth guns; but the Administration which followed him had not carried out his idea. He was not satisfied with the metal of which guns were now made. Why were they not wholly, instead of partially, made of the best steel? What they ought to aim at was a gun which would carry a larger charge of powder, which would give greater accuracy of fire, which would allow of greater speed in loading, and which would finally afford a low trajectory. These being his views, he was extremely anxious that some experiments should be made with breech-loaders. He remembered when military men said that we could not have a small-bore rifle for the service; but Sir Joseph Whitworth had proved that a very efficient weapon of that description could be made, and it had been adopted by France, Russia, Prussia, and, indeed, generally throughout Europe. He was not to be understood as pledging himself to any particular make of large gun; but he did venture to predict that breech-loaders would become essential to the Navy, and therefore he felt no doubt that we ought to try them without delay. As he had said in the beginning, the reputation and the efficiency of our Navy depended on the guns with which our ships were furnished, and therefore he thought the Government should not rest content with an old system which some of the greatest and most warlike nations had abandoned in favour of what he believed to be a much better one.

Moved, That there be laid before the House—

The Duke of Somerset

"Return of the different classes of guns now in use in the Navy; stating the various sizes of bore and the pitch of rifling whether of uniform or of increasing spiral; stating also in each class of gun the number of rifled grooves.

"Return of the various projectiles, stating their weights and lengths, with the number of studs and the bursting charge of each hollow projectile."—(*The Duke of Somerset*.)

THE EARL OF MALMESBURY: My Lords, I shall begin by saying that there is no objection to the production of the Papers for which the noble Duke has just moved; but I would ask your Lordships to bear with me for a few minutes while I make some observations on what the noble Duke has said in reference to the important points on which he has addressed your Lordships. In doing so, I shall confine myself entirely to naval guns, and shall not touch upon the subject as it affects the Army, for I see present several officers of the Army—including the illustrious Duke—who are more competent to speak on the military aspect of the question. Before, however, I come to the main subject, I will explain one matter to which the noble Duke has alluded. As I understood the noble Duke, he rather complains that the Government of Lord Derby in 1866 did not follow up his example in respect of experiments with breech-loading guns for the Navy. Now, as to that I believe I am correct in saying that the Armstrong breech-loaders had turned out such a complete failure and had proved to be so dangerous to those who served them, in consequence of the weakness of the breech and the flying out of the vent-pieces, that the breech-loading system was given up. No doubt that arose, in some degree, from a feeling of certainty that in point of strength the muzzle-loaders were good while the breech-loaders had shown themselves to be bad. We had not at that time the experience of which we have now the advantage. The whole question might now be re-considered again with the light of the experience we have had since 1866. I need not attempt to give your Lordships a lecture on gunnery. You know that small-bore rifles have been adopted for fowling-pieces and that they are now used in the Army. You know also that a muzzle-loader is strongest in the breech, and that a breech-loader is weakest in that part. In 1866 the

difficulty appeared to be that Sir William Armstrong had not discovered a metal strong enough to make his breech-piece. He proposed to strengthen the breech by an additional quantity of metal; but that plan added so much to the weight that it was rejected. If I were asked what is the general opinion as to the comparative merits of the breech-loader and the muzzle-loader, I must confess that the majority of opinions are in favour of the breech-loader if you can make the breech strong enough. If this can be effected, the superiority of the breech-loader over the muzzle-loader can hardly, I think, be disputed. The noble Duke has told us of the advantages of the breech-loader—they will commend themselves to every sportsman. Many of your Lordships who know something of deer stalking will be able to appreciate the advantage of being able to load without standing up and making yourself a very visible object. That advantage holds good aboard ship. Guns have now grown to such immense size and weight that if they are to be moved about a ship of war will have to be made as large as Noah's Ark. Hence there is a great objection to muzzle-loaders, for it is a difficult problem how they can best be loaded. Your Lordships are aware that there is an invention for loading guns on board ship by means of hydraulic machinery; but great doubt is entertained as to whether it will answer. It is accompanied by considerable danger, for when it is used the gun has to be depressed 30 or 40 degrees after it is turned in from the front. If any accident occurred to cause a gun to go off while at such an angle of depression, the charge would go through the bottom of the ship. Many trials with the hydraulic machinery must be made, and made very carefully, before the Admiralty can think of adopting it. As to the strength which can now be imparted to breech-loading guns, Sir Joseph Whitworth has discovered a description of compressed steel by which it is said he can so fortify the breeches of guns as that all fear of accidents will be effectually removed. If that is so, we shall no doubt do what other nations have done already, and adopt the breech-loader. At the same time, my Lords, it must be remembered that experiments with large guns are very costly. Already this country has laid out £4,000,000, and

therefore we must not rush too hastily to give up one system and adopt another. I quite agree with the noble Duke that the proper time to make experiments is during peace and not to wait until war has been declared. My noble Friend admits that all that can be expected of us in such a case is to proceed by experiment. Of course, it is a strong fact that other leading nations—and among them those nations which are absorbed in warlike preparations—have adopted the breech-loader. It is not likely that they should be mistaken in such an important matter. I know it has been said that Krupp's guns failed very often during the Franco-German War: but I was told by two French officers that such was not the case. They said that those guns did not fail till they got into French hands. The French took certain Krupp guns from the Bavarians, and did not know how to manage them, and accordingly those guns failed in French hands. That was the account given me by those French officers, though what they said told rather against their own artillerymen. In Prussia and France breech-loaders have been adopted, they have found their way even to Brazil. All that is very strong in favour of breech-loaders, and, therefore, with respect to this controversy, I hope that neither the noble Duke nor any other noble Lord will suppose that the Government regard the matter as settled. The Government will continue to watch the trials that are being made with the view of adopting, without prejudice, whatever might prove to be the best artillery for the country.

THE EARL OF LAUDERDALE said, that when Sir William Armstrong's breech-loader was tried we thought that the strongest powder we could procure was the best: but that was quite wrong in the case of breech-loaders—the strong powder blew the breech-piece out and burst the gun, against which, accordingly, there was a condemnatory report. Foreign nations, knowing the reason why we had given up the breech-loading gun, did not hesitate to adopt it. Since then there had been actual experience of its working in time of war, and those nations found that with them the breech-piece never blew out or burst the gun. Great strength of powder was not required for the breech-loader. What you wanted was that the breech should

be strong enough for the little powder required to move the shot. After that the charge of powder should gradually burn itself out. The fact was we had not taken time to properly consider the subject. He believed it would be found that Krupp's guns and other guns made of steel had burst, but that the breech-pieces were perfectly secure. Such a thing as the breech-piece being blown out of one of them was unknown. The breech-loader was now almost a perfect weapon. He was very glad to hear from his noble Friend (the Earl of Malmesbury) that the Government did not regard the matter as settled and that they intended to make further experiments. If we were going to have guns of 26 and 30 feet long aboard our ships, it would be impossible to handle them as broadside guns if they were muzzle-loaders.

THE DUKE OF CAMBRIDGE: My Lords, I agree with my noble Friends who have spoken on the subject that it is one of great importance. It is a delicate subject also, and, undoubtedly, it is one that very much concerns our Navy. Now, in the first place, I may remind your Lordships that it was the naval authorities who especially objected to the Armstrong breech-loader. I must say that when the matter was first brought under my notice the leaning of my mind was in favour of the breech-loader—because there must be greater difficulties in loading a muzzle-loading gun at sea than exist on shore—and I thought that if ever it was brought into use it certainly would be the gun for the Navy. I was therefore surprised to find such a strong feeling against it in the minds of naval men. At the same time, I am quite aware of the cause which gave rise to that feeling—namely, that in the Armstrong gun which was tried, the vent-piece became detached from the gun, and, if great care were not used, would blow out—which might be a very serious occurrence on board ship. Indeed, we know there was an instance in which the flying away of the vent caused such results that a ship's deck was almost blown away. That was the ground on which the breech-loading gun was rejected. But the misfortune was that we ran from one extreme to the other. Because the Armstrong breech-loader was not found to be the best gun, the muzzle-loader was adopted. I have not

The Earl of Malmesbury

a word to say against the present muzzle-loading guns as muzzle-loaders. I believe that as muzzle-loading guns they are as good as can be had. The experiments made show that we have no reason to be dissatisfied with them; but that is no reason why we should not try whether a breech-loading gun of a better construction than the one condemned cannot be produced. There is no reason why we should not make experiments in that direction. I do not, therefore, wonder to find that though at one time there was in the Navy a great dislike to the breech-loader, there is now a considerable body of officers who think that its adoption would be a great advantage. There is, however, one consideration which must not be omitted, and that is the question of expense. I am the last person to say that expense should not be incurred for such an important object as the one here in view. If it is essential that experiments should be made for the purpose of testing the breech-loading gun, there is no good reason why those experiments should be left untried because of the expense they would entail; but, at the same time, there is no reason why we should rush headlong to the adoption of the breech-loading guns, or to the adoption of every description of weapon or projectile which may for the time seem to meet with general favour. This would entail expense which would not meet with public approval, and therefore I say we ought to proceed with the greatest possible caution. What I understand my noble Friend (the Earl of Malmesbury), on the part of the Government, to say is, that there is no objection to experiments being made. And here I may remark that we are very generous with our experiments. We make them known to all the world—though our action in that respect does not always meet with reciprocity. We make trials at great expense, and we make known to the world at large what we have done, with all its results. Our friends and neighbours take advantage of all that we do; but sometimes, certainly, without the reciprocity which might be expected. Under these circumstances, we ought to be careful how we spend our money in large and costly experiments. That somewhat alarms me; but, with that reservation, I think it would be a great misfortune if the present Government, or any Government,

were to say that it would not try a system, of the advantages of which so much is said as we have heard in favour of the breech-loading gun. I repeat, that I was not one of those who had so strong an aversion against the Armstrong gun as to set myself against breech-loaders—I was surprised at those who took so strong a view in opposition to the breech-loading guns—but I am not an artilleryist, and I may have been wrong and they right. I think, my Lords, that when we find that Continental nations are adhering to the breech-loading guns, after having made a trial of them in the field, we must feel that to a certain extent we have retrograded in going back to muzzle-loaders. At all events, we should not be startled with the idea of having to adopt breech-loaders. My noble and gallant Friend (the Earl of Lauderdale), as I understood him, said there had been no accidents to breech-loading guns in actual service. That may be correct as regards naval guns; but it is not so as regards guns brought into the field. It is difficult to get correct statistics on such points; but I believe that a large number of breech-loading guns—not fewer than some 200—became disabled during the Franco-German War. I have thought it right, my Lords, to make these few remarks, the more especially because it is well known that in my individual capacity I never was an advocate for giving up breech-loaders, but have shown myself to be in favour of breech-loading rather than of muzzle-loading guns.

THE EARL OF LAUDERDALE wished to explain that he had not said there were no instances in which breech-loading guns had burst while in use in the field. What he had said was that there was no instance in which the breech-pieces had been blown out.

THE DUKE OF RICHMOND: I think there is one point, my Lords, upon which noble Lords on whatever side they may sit will concur, and that is, that it is the duty of every Government, no matter of whom it may be composed, to see that this country is furnished with the best arms and equipments that can possibly be discovered. And I can assure the noble Duke who brought forward this Motion (the Duke of Somerset) that it is the intention of my right hon. Friend the Secretary of State for War not to lose sight of the necessity of this country

being armed in the most perfect manner. I beg to state, on behalf of my right hon. Friend, that he is by no means wedded to any one system over another, and that whatever system may be shown to be most perfect, he holds that that should be adopted by this country. And here I should like to offer a few remarks in consequence of what fell from the noble Duke opposite and my noble and gallant Friend on the cross-benches (the Earl of Lauderdale). In the first place, as to what my noble Friend stated about the breech-piece being now so strengthened that it does not blow off, I do not know where he has got his information. But the information received from foreign countries by the Secretary of State for War is to the effect that accidents, and very severe accidents, are constantly occurring. Of course, as they have occurred in foreign countries, it is impossible, as the illustrious Duke stated, to give the details in a Parliamentary Return. But the authorities of the War Office are by no means asleep. Indeed, they are now quite alive to everything in connection with this subject that occurs in foreign countries. And when I say "now," I do not mean the present authorities as distinguished from those of former years; for I believe it has for many years been the practice to obtain by means of distinguished officers every information possible from abroad with a view to the production of a better arm than we have at this moment. With regard to the Woolwich system, that was introduced in consequence of the great objection entertained by the officers of the Navy to the guns before in use. And when the noble Duke talks of those guns being now safe, I believe that on one occasion the breech-piece blew off and was found on the mizen-top of the ship—a place where one would not be likely to look for it. And then it is to be remembered that in 25-ton guns the breech-piece alone weighs a ton, and the projectile cannot be put into the gun except by machinery; whereas you can load a big muzzle-loader in a shorter time than a breech-loader of the same calibre. Therefore, if speed of firing is necessary, that, at all events, is a great advantage in the muzzle-loading as compared with the breech-loading gun. And here I wish to state on behalf of a very distinguished officer, the Director General of Artillery,

Sir John Adye, that the system which now prevails is not his system. He found it in operation when he came from India, and he thought it his duty to carry out the system in operation at Woolwich, and to bring it to the greatest state of perfection in his power. The question of cost, too, is not to be lost sight of, the muzzle-loading gun being much cheaper. Of course, where the defence of the country is concerned we ought to disregard cost; but until persons of authority are agreed that the breech-loading is better than the muzzle-loading gun, the question of expense ought not to be put out of sight. Then as to the opinion of the Navy on this subject—that opinion has been thoroughly considered by the War Department, because of those Committees which sit from time to time to consider the question of guns distinguished naval officers invariably form a part, and the result of the deliberations has been come to with their entire sanction and approval. The noble Duke said that with a breech-loader you had nothing to do but to look down into it; but that with our present guns you could not see whether they were likely to burst or not. But I can tell the noble Duke there never has been an explosion with any of our guns, and if there were a tendency in the gun to burst, from the way in which it is constructed you would be able to detect it. It would not be right, my Lord, for me to detain you any longer; but I beg to repeat on behalf of my right hon. Friend the Secretary of State for War that he is perfectly alive to all that is doing in foreign countries. I do not take any credit to my right hon. Friend, for the system adopted at Woolwich is the same as that which was adopted by the noble Lord opposite (Viscount Cardwell), who is as patriotic in his desire to keep up the Artillery of this country at the highest point possible to attain as anyone can be. We have now spent about £4,000,000 on guns for the Navy, and a very small number only is required to furnish the service completely. That is a large sum; but still my right hon. Friend has not lost sight of the fact that with the increased knowledge we have of the manufacture of guns it may be advisable to make breech-loading guns. But whatever he does he will do with a view to the benefit and the safety of the country.

The Duke of Richmond

THE MARQUESS OF LANSDOWNE said, that these discussions had this great advantage—that they gave an opportunity for contact between two classes of opinions—the opinions of persons who were content to criticize our artillery from outside, and the opinions of those who had been connected in one capacity or another with the Administration, and who necessarily approached the subject with somewhat different feelings as regarded responsibility. He did not intend to include the noble Duke (the Duke of Somerset) among the critics to whom he had referred, because no one had a greater knowledge of the subject from an administrative point of view. But he would venture to remind their Lordships that if there was one conclusion more than another which had forced itself upon those who had had official connection with these matters, it was the extreme danger of perpetually introducing change in the armaments of this country. Change meant transition from one state of things to another, and a period of transition was a period of weakness. The conclusion which led the late Government to adopt what was known as the Woolwich system had been arrived at after great deliberation and with good reason. From 1864 to 1870 scarcely a year passed in which some Committee did not sit to inquire into the relative merits of breech-loading and muzzle-loading guns; and he was not overstating the case when he told their Lordships that, without almost a single exception, those inquiries resulted in an unanimous opinion in favour of the muzzle-loading system. He wished to ask whether anything had occurred since the muzzle-loading system had been adopted for field guns and heavy guns which ought to shake our confidence in them, and whether there was anything in the armaments of foreign countries which should lead us to distrust our own? There were two or three propositions which he thought might be advanced even by anyone unacquainted with the technical details of this subject. The first was that no change should be made from the existing state of things to one which did not exist merely for the sake of a very trifling advantage. The loss of power which would take place while the change was being effected in nine cases out of ten outweighed the ultimate ad-

vantage to be gained. Another general proposition which might be laid down was that a few years' experience in service was of great deal more value than the experience which resulted from any series of experiments at Shoeburyness or elsewhere. In the case of the guns in the Army and Navy, they had the experience of a considerable number of years—an experience which he ventured to think was, on the whole, favourable. A third proposition which he should venture to offer was that of two guns equal in all other respects, in power of penetration and in accuracy and rapidity of fire—one of them a muzzle-loading gun and the other a breech-loading gun—the presumption was in favour of the muzzle-loading one. What did the noble Duke behind him (the Duke of Somerset) tell them when dealing with projectiles? He said that composite projectiles were inferior to solid ones; and this was not less true of the gun from which the projectile was fired. A muzzle-loading gun was solid, the breech-loader was composite; and the difference was between solidity and mechanical union. This was especially true with regard to the colossal pieces now constructed for the defence of the country. In the case of these, the complication of the mechanism of a breech-loader seemed to him to offer an almost conclusive argument in favour of the opposed system. They had got guns with which the War Department was not dissatisfied. The field gun, in point of simplicity, gave the greatest possible satisfaction. They had heard rumours of a new field gun tried by Prussia, but Prussia had been endeavouring to obtain as good a gun as this country had already got. As to heavy guns, they had arrived at an 81-ton gun, and he had yet to learn that any other country had, or was likely to have, anything approaching to this. Now that the Navy was completely armed and the field batteries were also complete, he hoped the Government would not attempt any unsettling change without great consideration. The Lord Privy Seal had reminded the House that a number of accidents befell the French gunners who worked the Krupp guns taken from the Bavarians, and that these accidents might fairly be attributed to the inexperience of the French gunners. What would happen in the event of this

country going to war? The Artillery Reserve would be called upon, he presumed, to fill up the gaps, and as they would have to handle guns of a complicated nature, accidents might be expected, as in the case of the French gunners called upon suddenly to handle the Krupp guns. He hoped the Government would proceed with great care in this matter, and that while fully informed with regard to the proceedings of foreign artillerists, they would hesitate to derange the national armaments by any new changes merely because those changes were being adopted by others.

LORD ELPHINSTONE observed, that it must be borne in mind that it was only after a long series of careful and costly experiments that they had arrived at the conclusion that for heavy ordnance muzzle-loading was superior to breech-loading. There were, it was true, objections to muzzle-loading that did not exist in breech-loading guns; the shot could not fit so tight, and not being fairly centred it wobbled as it left the bore, and the accuracy was impaired. Again, the rush of gas above the shot was so great that after only 150 rounds had been fired the gun had to be turned over and revented. That objection, however, had been overcome by the use of a gas check, which was a disc of copper screwed to the base of the shot, which effectually prevented the rush of gas, and the consequent scoring of the gun; while at the same time the shot was fairly centred, the accuracy, range, and the initial velocity was increased, and the stress upon the chamber was not increased at all; while, at the same time, the rear or bearing stud, which before the use of the gas check was very much worn by friction during the passage of the shot through the bore of the gun, was found now to be scarcely rubbed. An objection urged against muzzle-loading guns, as compared with those loading at the breech, was that while the latter might be increased to any length, the former could not, on account of the difficulty of loading; and, also, that the crew of a gun loaded at the muzzle must always be much exposed, especially when loading. That objection had been met by a very clever and simple contrivance, invented by Sir William Armstrong, by which the gun was loaded by hydraulic power. The turret was turned round

until opposite an hydraulic rammer, the gun was depressed to an angle of three degrees, and the sponge forced home; when it reached the bottom of the bore it ejected a certain quantity of water, sluicing the chamber, and effectually extinguishing any fire that might be left. The shot was then raised by mechanical means outside the turret, rammed home, and the turret revolved into its fighting position; and it was obvious that in the handling of projectiles of the enormous weight now in use it was much safer to do so—especially in a sea way—outside the turret than inside, and among the gun's crew; while, at the same time, the crew were not exposed, owing to the protection afforded by the armour-plated shield of the hydraulic rammer covering the port while loading. It was said that the muzzle-loader had not the rapidity that was desirable. They had no means of comparing the rapidity of fire of heavy ordnance with that of the guns of foreign Powers; but he thought it would be interesting to their Lordships if he told them what he knew of the rapidity of firing of muzzle-loading guns. The 18-ton guns of the *Sultan* fired eight rounds in 9½ minutes, and the 12-ton guns of the *Iron Duke* fired eight rounds in 5 minutes. He thought that result was most satisfactory. Moreover, every one of these shots would have hit a ship at 1,200 yards. He believed that some of the guns on the German ships had burst, and, he believed that not long ago one gun had burst, killing two officers and the whole gun's crew. Some of the French guns also burst; but in this country they had not had a single accident by which a gun or a man was in the slightest degree hurt. The Americans, Denmark, and Italy, all preferred the muzzle-loading guns; indeed, the latter-named country was building two frigates in Italy, to be protected with 22 inches of iron, and to be armed with guns of 100 tons each, and these guns were to load at the muzzle, and would be the heaviest guns in the world. He thought that the Whitworth, or other breech-loading guns, might in many cases be of greater use than the guns loaded at the muzzle, and that especially so in boats. He was glad that further experiments were to be made with that description of gun, as he did not wish it to be inferred that he was a blind advocate of muzzle-loading. But

what he did contend was, that so far as experience had taught them, they were fully justified in adhering to the muzzle-loading system for heavy ordnance, in preference to the breech-loading system.

VISCOUNT CARDWELL: My Lords, the discussion has been very interesting, and so full, that I do not feel called upon to say more than a few words. I think the decision at which Her Majesty's Government has arrived is extremely wise. I understand it to be this: they admit the principle that in invention there is no finality, and that however well satisfied they may be for the time with the system which has been adopted, they will not shut their eyes or ears to anything that offers a prospect of making an advance. There is another principle which may be laid down, and that is expressed in the familiar French proverb that "Better is always the enemy of good." If you always wait until you get something better, you will never have anything settled at all. Now, we were exactly in that position in 1869. It so happened, then, that the course of invention had unsettled everything in the way of armaments. Rifles, howitzers, field guns, siege guns, great guns—almost everything was in a state of confusion in the scientific world—the consequence was, that a large part of the Store Vote remained unexpended, and was repaid to the Exchequer; and, early in 1870, Sir John Adye, the Director of Artillery, came to me and said that any rumour of war would find us in a very awkward position. This was at the time when the Minister of France said, in the Chamber, that the horizon was without a cloud. My noble Friend (the Marquess of Lansdowne) has told you of the repeated Committees which have inquired into the subject. I believe they have uniformly reported in favour of a muzzle-loader, and with hardly an exception they have reported unanimously. First of all, there was the Ordnance Select Committee, the question before which arose in this way. The Navy had demanded a breech-loading gun, and by the year 1864, more than £2,000,000 had been expended on breech-loading guns, chiefly for the Navy. However, after further experience the Navy returned them into store, and there are acres of them at Woolwich. Then there was a Committee of superior Officers appointed in 1866, which reported unani-

mously in favour of a muzzle-loader. Next, in 1869, there was the Dartmoor Committee, which was also in favour of a muzzle-loader; and the Committee appointed to consider the question of new guns for India also unanimously recommended a muzzle-loader, which the Indian Government adopted. When my gallant Friend (Sir John Adye) brought the subject before me another Committee was expressly appointed to consider the question of muzzle-loaders and breech-loaders for field guns. It consisted of 11 officers, 10 of whom reported in favour of a muzzle-loading gun, and only one in favour of a breech-loader. Then we obtained a pattern of the Prussian breech-loading gun; and when we tried it against our muzzle-loading gun of the same size, our gun was unanimously reported to be superior. Under these circumstances, we determined upon making the field guns which we have now. I am informed and believe that we have the most powerful gun, and I am sure we have the simplest, the safest, and the most economical gun, that now exists. It is true that Prussia has re-armed her artillery with another breech-loading gun, and no one will doubt the very great weight of the authority of Prussia; but I am not aware of any proof that the new Prussian breech-loader is equal or superior to our muzzle-loader. The noble Duke behind me spoke very much in favour of the breech-loading system. I think we can all admit without dispute every word which the noble Duke (the Duke of Somerset) said in its favour, and certainly a civilian coming into office would naturally have a sympathy in favour of going forward with the breech-loading system. I certainly had such a sympathy; but I must say that when you come to arm your soldiers and sailors it will not do merely to have a sympathy with a system and to have general ideas, but you must know exactly what gun you mean to have and whether it is preferable to the gun which you possess already. The authority of foreign nations has been quoted. Now, I believe France and Austria are in favour of a breech-loading system in the abstract; but, unless I am greatly misinformed, neither France nor Austria has yet adopted any particular system of breech-loaders, and their authority cannot fairly be cited until they have done

so. I think the Government have done right in not shutting the door against further investigation and experiment for this additional reason—that a remarkable invention has been made by Sir Joseph Whitworth of a kind of steel prepared by hydraulic pressure, which it is supposed will exclude all particles of air, and the steel will therefore become perfectly safe against explosion. Before we make guns, especially those which are to be used in ships, we had better know for certain whether this process is successful—and successful to such a degree that we can safely trust it in the making of guns; for although the noble Duke has said that we can have steel of any kind, it should be borne in mind that no steel has been yet used in gunnery which is not liable to explode. But if we have 99 guns which do not explode, and one which does explode, such a feeling of consternation will be produced among our soldiers and sailors that the one gun would do more harm than the 99 others did good. What we want to know is not whether 100 guns can be made 99 of which will not explode, but whether this invention will prevent the risk of explosion altogether. It must not be supposed that there is some official prejudice which retards improvement. The men who under the control of the illustrious Duke manage the Artillery of this country are not behind anybody in their zeal for new inventions, and among the inventions of the last few years none are more marvellous than those which have been introduced into the system of destroying human life. There have been two very distinguished men during the last few years at the head of the Naval Ordnance—Sir Cooper Key and Captain Hood—who have been of the same opinion on this subject as the authorities at the War Office. Therefore, you have the Navy and the Army, and the Government of India, acting according to their present lights, in entire concurrence. I was very glad, indeed, to hear the statements which were made by the noble Earl and the noble Duke opposite (the Duke of Richmond) that we ought to retain our present system until we are sure of a better one, and that as there is no finality of invention we ought not to shut the door against further investigation and experiment.

Viscount Cardwell

THE DUKE OF SOMERSET, in reply, said, that the projectiles at present used for breech-loading guns were more expensive than those which were made for muzzle-loaders. That was a point worthy of consideration from an economical point of view, as the men must practise, even though the projectiles were very expensive. With regard to the suggestion of the noble Marquess (the Marquess of Lansdowne) that we ought to ascertain the opinion of the officers of the Army, he would remind him that some years ago the officers were in favour of retaining "Brown Bess."

Motion agreed to.

POLLUTION OF RIVERS BILL.

(The Marquess of Salisbury.)

BILL PRESENTED. FIRST READING.

THE MARQUESS OF SALISBURY, in rising to call attention to the state of the law on the Pollution of Rivers, said, the subject was one in which a large portion of the country took a deep interest, and which had occupied the attention of the country for a considerable time. It had been considered by more than one Royal Commission. One Commission was appointed in 1865, and another, of which the late Sir William Denison was the Chairman, and Professor Frankland was a member, was appointed in 1868. These Commissions went all over the country and examined very carefully into the subject which was intrusted to them, and the result of their labours had been embodied in four elaborate Reports before Parliament. It seemed to the Government that the time had now arrived when some legislation ought to follow so much inquiry. In 1848 an Act of Parliament was passed in the interest of the public health, enacting that all localities should carry out an efficient system of drainage. Drainage must be put somewhere. You could not put it in the air; you could not always put it on the land; and when you could not put it on the land, you necessarily put it into a river. Concurrently with this process there had been an enormous growth of manufactories of all kinds—of dye works, of paper works, and, above all, of distilleries—and the consequence of turning the refuse of these works into the rivers had been to produce in many of our most useful

streams a fearful condition of pollution. The grievance was a very real one, as was well known to noble Lords who lived on the banks of polluted streams; but for the sake of others, he might read one or two passages from the Report of the Commission on the Pollution of Rivers to show what was the evil and the necessity of applying a remedy. Dr. James Brunton, Sept. 6, 1869.—Report to Commissioners—

"Dr. Macadam remarks with reference to water taken from the junction of the Gala and the Tweed, 'fish immersed in this liquid were deleteriously affected thereby, became sick and prostrate, and died within the day.' Of the deposit taken from the junction of the Gala and the Tweed, he remarks that, 'it was highly offensive, as it consisted in great part of organic matter in a state of putrefaction.'"

Certificate of James Weir, M.R.C.V.S., dated September, 1870—

"This is to certify that I have been called in very often by Mr. Thomas Shanks, farmer, Drumshanzie, Airdrie, to see his cattle. A great many of them have died through drinking the water of a stream which runs through his farm. This stream, in my opinion, is poisoned by liquid refuse from a paraffin oil refinery situated near to the farm. Mr. Shanks wishes very much the early attention of the Commissioners to be directed thereto."

Statement by Bailie James Bain, Deputy Chairman of the Clyde Trustees, 25 July, 1870—

"The polluted state of the river Clyde is so generally known that I deem it unnecessary to attempt to prove it; but I take leave to enclose copy of a petition from owners and masters of steamboats, (see page 69 on the subject,) in which they refer to the loss they are sustaining thereby and pray for a speedy remedy. Also to the report of Dr. Anderson (see pp. 69-76) on the waste products from public works entering the Clyde, by the action of which, in combination with the ordinary sewage, it will be observed he considers the copper sheathing of ships is damaged and the public health impaired. I am aware it has been stated that the death rate on the river bank is not in excess of that in other parts of the city, but I believe there is much ill health. I have seen people so overcome with sickness from the stench of the river, as to require to be led ashore from the steamers. Surely it is not necessary to kill a man right off before it will be allowed that he has suffered injury. I consider the Police Board, the 'local authority' here, have been remiss, and that the Clyde Trust are aggrieved by their inaction."

The Rev. F. G. Hopwood, Sankey Brook, Winwick, near Warrington—

"Not only does it beset us out of doors, but it penetrates into every room of the house, and the clothes in the laundry, with 'the window closed,' and also in the drying ground are discoloured and have frequently to be re-washed. On one

occasion this winter (1869), in a few moments all the copper vessels in the kitchens were turned almost blue. It makes this place perfectly odious. The nuisance is constant, as the prevailing winds are from the west and north-west."

James Nicholson, Esq., Warrington—

"I am lord of the manor of Thelwell, which lies upon the Cheshire side of the Mersey, about three miles from Warrington. Formerly, the river at that point abounded with fish, and was a clear stream; now, unfortunately, it is a fearful nuisance—black as ink at most times, and most offensive in smell."

Mr. T. B. Laycock, a wool comber, on the Worth, said—

"Opposite my works the bed of the river has silted up very considerably. 40 years ago the bed was five or six feet deeper than it is at present, and the silting up to this great depth has been caused by ashes and rubbish thrown in by manufacturers and others. Formerly, trout were very plentiful in the stream, but now no living thing can exist except rats, which feed on the dead carcases of animals thrown in. The river for more than half-a-mile above my works is very seriously polluted by town sewage and refuse from manufactories and works, and in summer the stench is so bad that the smell is perceptible for more than half-a-mile off."

Letter from Mr. Jepson, F.R.C.S., Durham, Sept. 1870—

"The River Wear at Durham is simply a gigantic cesspool receiving the sewage of the whole town, and in summer emitting a stench vile enough to generate a pestilence, especially when it is disturbed by boats."

Letter from Mr. H. Reynard Cookson, Nov. 1, 1870—

"I am desirous of calling the attention of the Rivers Pollution Commissioners to the filthy state of the Bourne flowing from the Edmondsley Collieries through the town of Chester-le-Street, where it empties itself into the Wear. At times it is as yellow as ochre and as thick as glue, and a grave matter for the Commissioners report. It passes all through my grounds, and is an abominable nuisance."

Extract from letter from R. Duncombe Shafto, Esq., Whitworth Park, Ferry Hill—

"The sewage matter from houses containing on the Spennymoor side nearly 5,000 inhabitants, is all poured into it by the present system of drainage, and in a very short time double the number of houses will be relieved of their filth by the same outlet, as all the Mount Pleasant and the houses near the Iron Works will be drained into it. The water now is as black as ink and so offensive, that a mile and a-quarter below Spennymoor, where it enters the Wear, it is an annoyance to have to cross the brook. No one in Spennymoor will say a word. They prefer being poisoned to the chance of having a rate to pay for the improvement of the drainage of the district; and I fear the medical men, who

are painfully aware of the fatal character of the effluvia arising from this Stygian stream would probably be afraid of giving offence in certain quarters by giving evidence."

He believed that nothing had so fearful an influence in the pollution of rivers as the product of distilleries. If their Lordships could imagine the stench of the River Thames in the outbreak in which it indulged of 1858 and multiplied that stench by 36, they would have a fair idea of what the stench was which was produced by refuse from the distilleries of the favourite beverage of the people. As to the river at Manchester, he could testify from his visit to that city last winter that it was in a bad condition, and he was told by a high municipal authority that an unfortunate man tumbled into that river, and, before he could be rescued, swallowed a dose of the water, of which he died as soon as he had been drawn on to the bank. This was a state of things which called for some action on the part of Parliament. There was no doubt that those who interfered with their neighbours' rights below stream violated the law. It might therefore be asked why not be satisfied with the existing law for the abatement of the nuisance? His answer was that there was great difficulty in putting the law in force. It only recognized damage actually done. But it was usually difficult to ascertain by whom the damage was done; and, as was frequently the case, where the pollution was caused by the combined operation of two or more factories there was no power of ascertaining who was the responsible party. Another difficulty which was experienced with reference to the prevention of the pollution of rivers was the objection which some people had to being rated to pay for the expense of an improved drainage of a district—people sometimes preferred being almost poisoned to the chance of being called upon to pay for the remedy. The drainage of a district was not a matter which could be intrusted to local authorities; in many cases their decision could not be relied on, and it was always open to suspicion. It was therefore essential that in any legislation Parliament might undertake on this subject there should be some other machinery provided for carrying out its provisions than that of the local authorities. That was a point on which the Bill that he intended to lay

on their Lordships' Table differed from others which had been brought forward hitherto. He proposed not to carry a case before any local tribunal—that was to say, any tribunal dependent on the local authorities. He was afraid that, in attaining that object, they must appeal to that officer who from small beginnings had acquired an important position—he meant the County Court Judge. It was obvious that cases of this kind which required immediate decision could not be tried at the Assizes, which in many cases only occurred twice in each year. For this reason it was proposed that offences under the Bill should be taken to the County Courts. The next question was as to the offences so to be dealt with, and in this respect the present Bill would differ in a vital point from the measure introduced by Lord Shaftesbury in 1872, and afterwards taken up by the noble Duke on the cross benches (the Duke of Northumberland). In the Bill of 1872, in accordance with the recommendations of the Commissioners, 10 standards were laid down in reference to the character of the ingredients of matter which might be thrown into streams, and it was made an offence to transgress any of these standards. The difficulty that was felt with regard to these tests was that they struck too far, and that on the one hand they would include water flowing from perfectly innocent sources, while on the other they were not sufficiently stringent to affect the very nuisances against which the legislation was directed. His view was that in dealing with nuisances it was better to trust to the common sense of the tribunal to which the cases were referred than to lay down a number of unwieldy chemical tests. The Bill, therefore, proposed to forbid the pouring of filthy, noxious, and polluting liquids into streams, and to leave it to the County Court Judges to decide upon evidence what liquids possessed the forbidden qualities. That was the most important change which this Bill proposed to make from the Bill recommended by the Government in 1872. He would next define the offences which were to be guarded against by the Bill. In the first place, it was absolutely forbidden to put solid matter into streams. With respect to sewage, it must either be freed from its polluting qualities or be

kept out of the streams. With respect to liquids issuing from manufactories or mines, a distinction had been made between the various classes of offenders. Manufacturers or mine-owners who, at the passing of the Act, poured or permitted liquids to flow into streams, and who had not done so for more than 12 years—or had 12 years' prescription—would be bound to make it harmless within a space of two years, or be absolutely forbidden to pour or allow it to flow into streams. With regard to those who might be said to have a longer prescription, the Government had felt that they could not well do more than prescribe absolutely that the offending persons should use the best practicable and available means for making the liquids harmless. In the majority of cases he believed that this could be effectively done. The carrying of the Act into force would be intrusted to the rural sanitary authorities, with a power reserved to the Local Government Board to institute proceedings and enforce the law in case the rural authorities failed in their duty. In addition to this the Bill proposed that the sanitary authorities in drainage districts should be grouped into Conservancy Boards, as a better means of carrying out the provisions of the law. These were the principal provisions of the Bill, and he hoped they would be sufficiently stringent to arrest the greater part of the existing mischief without at the same time being so stringent as to arouse an amount of resistance in the country which could not be overcome. At the same time, the Act would be administered by authorities not liable to be swayed by the passions or interests of their constituents, but anxious only to carry out the law, and to preserve to all persons the right—which was as sacred as usage and habit could make any right—of using the waters of our rivers for all ordinary purposes, domestic and otherwise, to which they could be legitimately applied.

Then a Bill for amending the Law relating to the Pollution of River *presented* by the Marquess of SALISBURY.

EARL FORTESCUE expressed satisfaction with the course taken by the Government in proposing to deal with an important question. In his opinion, the most economical and desirable mode

of purifying the sewage which now in so many cases polluted our rivers and streams was to filter it through land, which would be immensely fertilized by the process, thus turning what was otherwise a source of disease into one of largely increasing the production of food. This plan had been recently recommended in a remarkable Report from a scientific Commission—the Municipality of Paris—after being tried, on a small scale, with signal success. That sewage could thus not only be rendered innocuous, but made a source of fertility, had been proved; and he therefore impressed upon the Government the desirability of affording facilities for its application to agriculture. He thought compulsory powers should be granted for its conveyance through land to places where it might be required for irrigation; compensation, of course, being allowed under the usual conditions.

Bill read 1st, and to be *printed*. (No. 81.)

IMPORTATION OF CATTLE—ILL-TREATMENT IN TRANSIT.—QUESTION.

EARL DE LA WARR asked, Whether the attention of Her Majesty's Government has been drawn to the statements which have appeared in the public press relative to the ill-treatment of cattle imported into England from the Continent; whether such statements are correct; and, if so, whether Her Majesty's Government propose to take any steps to prevent a recurrence of the same?

THE DUKE OF RICHMOND said, he disputed the accuracy of the statements referred to. The name of the vessel in connection with which the ill-treatment was alleged to have occurred had not been given: but, on seeing the letter in *The Times* of the 22nd of April, he directed the Inspector of the Privy Council at Deptford—a very experienced officer of 25 years' standing—to inquire into, and make a special report on, the case. The vessel referred to appeared to be one which brought from Antwerp about 200 head of cattle. These beasts were landed at Deptford as usual under the superintendence of the Custom House officers, and remained in charge of an officer of the Privy Council until they were taken away to be slaughtered. The Inspector had himself seen them, but had failed to observe any indications of their having suffered ill-treatment on

board ship. They were described as having been packed "like herrings in a barrel;" but the plain truth of the matter was that they were ranged closely side by side with their heads tied up to the side of the vessel—an arrangement which was necessary both for their own safety and to prevent danger and inconvenience to the passengers and crew. With reference to the absence of water, he was informed that it was very difficult indeed to induce cattle to drink on board ship until they had been at sea for a much longer period than appeared to have been taken up on the present voyage—namely, 22 hours. He was informed that during that space of time the discomfort was not unusually so great that quadrupeds as well as bipeds were not much disposed to drink. The Custom House officer, too, stated that he was present during the whole of the landing, and that he saw no acts of cruelty on the part of the drovers, which he should have done had they occurred. Again, at the landing-stage at Deptford the officers of the Society for the Prevention of Cruelty to Animals were present, with whom would lie the duty of the institution of a prosecution if they were aware that the animals had been cruelly treated. The Inspector of the Privy Council, he might add, concluded his report by stating that in the course of the frequent inspections which he had made of the carcases of animals at the slaughterhouses at Deptford, he found them to be generally free from marks and bruises resulting from blows, and that he had no cause to suppose they were subjected to ill-treatment. As to any cruelty on the part of the drovers, he could only say he had been informed that those men were respectable persons licensed by the Corporation, and he believed that so much care was taken to prevent anything like ill-treatment that the Corporation regulated the size of the goads. He came to the conclusion, as the result of the inquiry, that not only there was no cause of complaint on the particular occasion in question, but that animals were subjected to no more inconvenience in transit than was absolutely unavoidable. He would conclude by calling attention to a letter which had been addressed by the Secretary of the Society for the Prevention of Cruelty to Animals to the Veterinary Department of the Privy Council. In it he stated that

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he had seen Captain Stanley early in the morning of the day in which his letter appeared in *The Times*, but that he could not identify the person in charge of the cattle or any of the actors in the scene which he had described; Captain Stanley added that he did not wish to appear as a witness in the case, and no prosecution, therefore, could well be instituted by the Society. That being so, he was not prepared to take any further steps in the matter, or to make any regulations beyond those which at present existed.

House adjourned at Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 30th April, 1875.

MINUTES.] — PUBLIC BILLS — Committee — Peace Preservation (Ireland) [77]—R.P.
Committee—Report—Falsification of Accounts * [121].

Third Reading — Municipal Elections * [118]; Artizans Dwellings * [126], and passed.

The House met at Two of the clock.

PARLIAMENT — PUBLICATION OF DEBATES AND PROCEEDINGS—EXCLUSION OF STRANGERS.—NOTICE.

MR. MITCHELL HENRY gave Notice, that he would, on the Motion of the noble Lord the Member for Radnor (the Marquess of Hartington), relative to the Reporting of the Debates of the House and the presence of Strangers, move—

"That it is expedient to make no permanent alteration in the rules relating to the reports of the debates or proceedings of the House or of any Committee thereof, or as to the presence of strangers, until the House has more fully considered the present system of reporting its proceedings, and the aid of information to be obtained by the appointment of a Select Committee."

ARMY—ROYAL ARTILLERY—THE ROYAL WARRANT OF 1871.—QUESTION.

SIR HENRY WILMOT asked the Secretary of State for War, Whether it is intended to grant to Officers of the Royal Artillery, who retired under the Royal Warrant of 1871, the step of

honorary rank which is given to Officers of the Royal Marines and Royal Marine Artillery, who retire under the Royal Warrant of 1870?

MR. GATHORNE HARDY, in reply, said, he had to state that special steps of honorary rank were allowed in certain cases in the Royal Artillery under the Warrant of 1871, but that was only in consequence of the great block which existed to promotion in that force. Steps of honorary rank were only allowed to officers retiring on full pay after 30 years' service; but it was not intended to grant such a step to those who retired under the Warrant of 1870, who would have the step on the ordinary retirement from the corps.

PARLIAMENT—

PUBLIC BUSINESS—THE PUBLIC WORKS LOAN BILL.—QUESTION.

MR. W. E. FORSTER said, he understood, with reference to the Public Business on the Paper, that if the Peace Preservation Bill was finished that day, the Budget would be taken on Monday next; but, if that were not so, he should like to hear from the Chancellor of the Exchequer, Whether he would proceed with the Public Works Loan Bill on Monday?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the Notice given by the hon. Member for Hackney (Mr. Fawcett) would make it necessary to consider what should be done with that Bill, and he would undertake not to bring it on for consideration without seeing that ample time should be allowed for the discussion of the important Motion of which Notice was given by the hon. Member for Hackney. In case the Peace Preservation Bill should be finished that day, he would proceed with the Budget on Monday.

ARMY—ACTUARIAL CALCULATIONS. QUESTION.

SIR HENRY HAVELOCK asked the Secretary of State for War, Whether he will lay before the House, the actuarial calculations that have been made for the War Office, showing the number of soldiers now serving who have enlisted since 1870 for short service, and the probable annual rate at which they will pass into the Army Reserve in the year 1876 and three following years?

MR. GATHORNE HARDY, in reply, said, if the hon. and gallant Gentleman would ask him privately, he would confer with him as to the information that could be given.

PEACE PRESERVATION (IRELAND) BILL.—[BILL 77.]

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 29th April.*]

Bill considered in Committee.

(In the Committee.)

Clause 3 (Continuance of Peace Preservation (Ireland) Act, 1870, subject to Amendments and modifications).

MR. M'CARTHY DOWNING moved, as an Amendment, in page 2, line 37, to leave out the words—"When any person is charged in any proclaimed district before any justices of the peace assembled at petty sessions." He considered that to give the magistrates such a power of summary jurisdiction would be dangerous when political questions were involved. The first time that summary jurisdiction in degree was given to magistrates in Ireland, under any Coercion Act, was in 1870. That power was, however, limited; but, by the present Bill, it was for the first time proposed to give an extension of power to the magistrates of Ireland which they never possessed before. He believed that the Irish magistrates were as pure as any magistrates in the United Kingdom; but he considered the summary jurisdiction which the magistrates assembled in petty sessions possessed was too great, and the object of his Amendment was to do away with the power as exercised under the Acts of 1847 and 1870.

SIR MICHAEL HICKS-BEACH said, the power of summary jurisdiction applied only to the restriction upon the possession of arms, and he had introduced it in the interests of persons accused, his experience on the English Bench having shown that defendants often preferred to be dealt with summarily instead of being committed for trial and having a charge hanging over their heads for an indefinite period. He would accept the Amendment of the hon. and gallant Member for Galway (Captain Nolan), that a case should be dealt with summarily only with the consent of the accused, and he was prepared to reduce

the term of imprisonment from six months to three in the hope that the clause would not be opposed. The main reason for the insertion of the clause was that it would tend to a speedy and cheap administration of justice in Ireland.

MR. M'CARTHY DOWNING thanked the right hon. Baronet, and said that he was willing to accept the compromise, and, on the statement just made, would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

On the Motion of Mr. M'CARTHY DOWNING, the following Amendments made:—In page 2, line 41, after "think fit" insert the words "and if the person so charged shall himself desire it;" and in page 3, line 4, strike out the words "with or without hard labour."

SIR MICHAEL HICKS - BEACH moved, as an Amendment, in page 3, line 5, to leave out "six," in order to substitute "three" months as the term of imprisonment.

MR. M'CARTHY DOWNING hoped that the usual limit to the magistrates' power of imprisonment would in this case, as in others, be two months, or a fine of £5.

SIR MICHAEL HICKS - BEACH said, he thought that three months was the more usual term; and it should be borne in mind that the magistrates could, if they thought fit, limit the imprisonment to two months or any less term.

Amendment *agreed to*.

Word *substituted*.

MR. M'CARTHY DOWNING moved, as an Amendment, in page 3, line 10, after "if," insert "the person charged shall object to having his case summarily disposed of; and shall require same to be sent for trial in the ordinary way or if."

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) could not accept the Amendment, as he did not think it would be workable.

Amendment, by leave, *withdrawn*.

MR. BIGGAR (for Mr. FAY), moved, as an Amendment, in page 3, line 22, after "cause," insert "and such dismissal shall in every case carry with it the costs and expenses of the person charged against the prosecutor or prosecutors."

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THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, it was quite impossible for him to entertain the Amendment, or anything of the kind. Of course, in the case of a malicious prosecution the accused could recover costs in the ordinary way.

MR. BIGGAR said, as the Amendment was not his own, he did not feel justified in withdrawing it.

MR. M'CARTHY DOWNING said, the Crown being the prosecutor, costs could not be recovered against the Crown. Under the present law a magistrate had power of ordering costs. Therefore, there was no necessity for the Amendment.

SIR JOSEPH M'KENNA hoped the Amendment would be withdrawn.

Amendment, by leave, *withdrawn*.

MR. M'CARTHY DOWNING moved, as an Amendment, in page 3, lines 27 and 28, to leave out the words, "and sentenced to a term of imprisonment exceeding one month." The object which he had in view in moving that Amendment was to give an accused person a right of appeal against the decision of the magistrates. A man might be accused wrongfully, and sentenced to imprisonment; and it would be a great hardship, and a most serious act of injustice, to deny him the right of appeal against the sentence when he would have the right if he was fined one pound and a penny.

Amendment proposed, in page 3, lines 27 and 28, to leave out the words "and sentenced to a term of imprisonment exceeding one month." — (MR. DOWNING.)

SIR GEORGE BOWYER hoped Her Majesty's Government would accept the Amendment, as it would be a most serious punishment to imprison an innocent man a month without the right of appeal. He thought that there should be an appeal in cases of imprisonment even though the period was less than a month.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) hoped the Amendment would not be pressed as he could not consent to it. He would remind the Committee that a prisoner had the option of being tried at the Assizes. He could not be tried summarily by the magistrates unless by his own consent. The Government had followed the precedent of the Irish Petty

Sessions Act, and under the circumstances he had stated he could not see the hardship which had been complained of as likely to be inflicted.

MR. MELDON expressed his intention of voting for the Amendment. The right of appeal as it stood was in a very unsatisfactory state. Over and over again persons fined £1 or a smaller sum applied to be fined £1 1s., so as to obtain the right of appeal, and there was much greater hardship in cases of imprisonment. They would have prisoners applying to be sentenced to more than a month's imprisonment, for the same reason if the Amendment were not accepted, as he hoped it would be by Her Majesty's Government.

LORD ROBERT MONTAGU was of opinion that the Amendment ought to be adopted by the Government. It would be a most serious thing to imprison a man, even for a day, without giving him a right to appeal against a sentence which, he being innocent, might ruin him in the estimation of his neighbours. Take, for instance, a respectable farmer. Such a sentence, without power of appeal, would be ruinous to him, and would embitter his future life. Surely it would be right that a man should have the power of proving before a higher tribunal that he was not a criminal. He was thus far in favour of his hon. Friend's proposal.

MR. BIGGAR supported the Amendment, and contended that such summary power of jurisdiction should not be given to the magistrates.

MR. O'SULLIVAN strongly disapproved of the power of summary jurisdiction being placed in the hands of the magistrates. He supported the Amendment, and hoped the Government would accept it.

SIR MICHAEL HICKS - BEACH said, it should be remembered that the cases referred to were those in which the persons accused consented to be tried before the magistrates, and if they so consented they must take the consequences. What was now proposed was that an exception should be made from the general operation of the law, and he did not see why, if they were convicted, they should be placed in a better position than persons tried at quarter sessions. He saw no reason for such an exception, and hoped, therefore, that the clause would be left as it stood.

MR. W. E. FORSTER pointed out, in reply to the Chief Secretary, that that legislation altogether was of an exceptional character, and he thought that if an appeal was given where a man had been sentenced to be imprisoned for a month and a day, it ought not to be refused where the term of imprisonment was only a day less. He could not see why, because a man elected one of two modes to be tried, he should be deprived of the right of appeal.

MR. O'SHAUGHNESSY said, that depriving a man of the right of appeal would cause the decisions of magistrates to be looked upon as odious in the extreme. This was a case where it would be justifiable to make some departure from the ordinary law and allow an appeal.

SIR PATRICK O'BRIEN must protest in the most emphatic manner against the power of summary jurisdiction proposed by the clause to be placed in the hands of magistrates. Imprison an innocent man without the right of appeal and you ruin him for life. The power proposed was most arbitrary, and he hoped the Committee would accept the Amendment.

Question put, "That the words 'and sentenced to a term of imprisonment' stand part of the Clause."

The Committee *divided*:—Ayes 187; Noes 110: Majority 77.

MR. SULLIVAN (for Mr. BUTT) moved, as an Amendment, in page 3, line 33, at end, insert—

"Every proclamation heretofore issued under any of the Peace Preservation Acts hereby continued, and which shall at the passing of this Act be in force in any district in Ireland, shall, unless previously revoked, continue in force and effect until the first day of August next, and no longer."

The effect of the Amendment was that in putting this measure in force the Government of Ireland should begin as it were with a clear board.

Amendment proposed,

In page 3, line 33, after the word "mentioned," to insert the words "every proclamation heretofore issued under any of the Peace Preservation Acts hereby continued, and which shall at the passing of this Act be in force in any district in Ireland, shall not continue in force and effect after the first day of August next, unless previously renewed."—(*Mr. Butt.*)

SIR MICHAEL HICKS-BEACH said, if the Amendment was adopted, and the

Bill became law, it would affirm that it was necessary that power should be continued to the Lord Lieutenant to impose by proclamation certain exceptional laws upon such parts of Ireland as he thought fit, and, at the same time, every proclamation now in force would be revoked. That, he thought, would be a perfect absurdity. Under the Bill as it stood, the responsibility of the Lord Lieutenant in continuing a proclamation was just as great as that of issuing it, and they might rely upon it the Irish Government would not keep any district under proclamation longer than was absolutely necessary.

MR. BUTT thought this was a very important Amendment. He obtained a Return last year, and found from it that all the proclamations which had been issued in 1866 were still in force in a great many districts in Ireland. They seemed to be retained as a matter of course, for there did not appear to be any inquiry instituted as to whether they were still necessary. The Chief Secretary had said there was as much responsibility in continuing as in issuing these proclamations, but he would like to know at what particular time that responsibility arose. All that was desired in proposing the Amendment was to make that responsibility distinct. He had the fullest confidence in the promises of the right hon. Baronet, but he wanted to embody in the Bill the pledge given by him that proclamations should be revoked in districts where they were not needed. The right hon. Gentleman said these proclamations were necessary in some counties, but which counties were they? And if it was intended to drop the restrictions gradually, why did not the Government bind themselves to do it? If the right hon. Gentleman wished to protect himself let him give himself the protection pointed out.

MR. W. E. FORSTER thought there was a good deal in the arguments of the hon. and learned Gentleman, and that as they were continuing these Acts for another five years there was some ground for saying it should be made quite clear by the Bill itself that they expected from the Executive Government that it would examine whether these proclamations were really necessary. He would suggest, therefore, that the object of the hon. and learned Member would be better attained if the latter part of his Amendment were struck out and words

were substituted providing that the proclamations in question should "not continue in force and effect after the 1st of August next unless previously renewed."

MR. BUTT acceded to the suggested alteration. The difference it would make was very trifling, but it appeared to be an improvement. The same words had occurred to himself, but he rejected them, because they seemed to be clumsy. He would, however, move the Amendment as altered by the right hon. Gentleman.

SIR MICHAEL HICKS-BEACH said, he could not accept the Amendment. He thought it was a remarkable fact that although the late Government, of which the right hon. Member for Bradford was a Member, brought in a Bill of that kind in 1870, which they afterwards renewed in 1871 for two years, and again in 1873 for another two years, yet on none of those occasions did they insert any such provision as the right hon. Gentleman now suggested, fettering the discretion of, and expressing a want of confidence in, the Irish Government. The inference to be drawn from the proposal of the right hon. Gentleman amounted to this—that he had no confidence either in the promises that had been given, or in the Irish Government. If they accepted that Amendment, it would be assumed that every part of Ireland was *prima facie* in a state that would not justify the continuance, even in a modified form, of that measure. If the Government believed that to be the case, they would not have asked the House to renew that Act at all, and certainly not to renew it for five years. For his own part he had promised that when the Bill became law, he would carefully look into the circumstances connected with each proclaimed district, and he should do so in the hope that the Government would be able, consistently with law and order, to withdraw the proclamations from several districts and counties of Ireland. Having said that, he asked the Committee to put confidence in the Government, and not fetter its action.

MR. W. E. FORSTER, in answer to the charge of inconsistency made against him by the Chief Secretary, said, that the right hon. Baronet must have forgotten that there was a considerable difference between continuing such an Act for two years and continuing it, as was now proposed, for five years. Moreover,

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it did not follow that what the late Government thought was necessary some years ago for Ireland was necessary now; and the present Government themselves were making alterations in that code, because they did not think the state of things was the same now as it was before. All that the Chief Secretary was now asked to agree to, was to put into the Bill what he had just promised that the Government would do. That was only fair, under the circumstances, in a matter affecting the liberties of Ireland. He did not wish to fetter in the slightest degree the action of the Irish Government; but he thought hon. Gentlemen on that side of the House should not be charged with want of confidence in the Government now in office, simply because they held that it would be better for all persons to know what was going to be done, and that such intention ought to be stated in the Bill.

CAPTAIN NOLAN, with all due respect for the Chief Secretary, was not prepared to give him the unlimited power which he claimed over the liberties of the people of Ireland. He gathered from the remarks of the right hon. Baronet that the people of Ireland were to trust to him. Well, he might be a very good Chief Secretary in his own estimation, and he (Captain Nolan) had nothing to say on that head, but he would call his attention to the fact that whilst in all the important divisions yesterday there were 40 Irish Members against him, there were only 20 with him. That was an evidence that in Ireland the people did not feel that wonderful confidence in the Irish Chief Secretary which was expected of them.

MR. FRENCH was sure they might put implicit confidence in the promises made by the right hon. Baronet; but they had no guarantee that he would continue in his present office for five years. In that case, the next Gentleman who might be appointed to the office might not consider himself bound by the promises now made by the right hon. Baronet, and they ought to have some guarantee against such a contingency as that.

SIR HENRY HAVELOCK, expressed his full concurrence in the observations of the right hon. Member for Bradford.

MR. MELDON supported the Amendment, as he wished to make it imperative on the Government to consider im-

mediately those proclamations which ought to be withdrawn, and those which ought to remain in force.

MR. BUTT said, he was willing, if the right hon. Baronet thought the 1st of August was too soon, to give him to the 1st of September or the 1st of October to reconsider these proclamations. All he wanted was that they should be reviewed at some fixed time known to the public.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 142; Noes 203: Majority 61.

MR. BUTT (for Mr. O'REILLY) moved, as an Amendment, in page 3, line 33, at end, add—

"Nothing herein contained shall have the effect of continuing the seventh and eighth sections of the Act passed in the eleventh year of Her Majesty, entitled 'An Act for the better Prevention of Crime and Outrage in certain parts of Ireland until the 1st day of December, 1849, and the end of the then next Session of Parliament;' and from and after the passing of this Act the said sections shall be and the same are hereby repealed."

Its object was to get rid of the special police tax, levied on an area arbitrarily determined by the Lord Lieutenant, a tax which was very oppressive in incidence, the more so as the Constabulary was not a civil force, but an army of occupation. There were districts in which the tax, added to compensations for outrage, had amounted to 6s. in the pound, a burden which had ruined some undoubtedly innocent persons, as the payment incurred under it fell upon the best behaved classes of the country. All the evidence before the Westmeath Committee was against this special taxation. Its imposition could do no possible good in the repression of crime, and it led many loyal men to view the Government with disaffection.

Amendment proposed,

In page 3, line 33, after the word "mentioned," to insert the words "nothing herein contained shall have the effect of continuing the seventh and eighth sections of the Act passed in the eleventh year of the reign of Her Majesty, entitled 'An Act for the better prevention of Crime and Outrage in certain parts of Ireland until the first day of December one thousand eight hundred and forty-nine, and the end of the then next Session of Parliament;' but from and after the passing of this Act the said sections shall be and the same are hereby repealed."—(Mr. Butt.)

SIR MICHAEL HICKS-BEACH said, he could not accept the Amendment. There was not an argument in favour of fining districts, in order to compensate persons aggrieved or injured through agrarian crime, which did not apply with still greater force to a local tax for the maintenance of special police stations in districts notorious for crime. The ordinary Constabulary Force was paid out of the ordinary Revenue of the United Kingdom; and, therefore, when the conduct of the inhabitants of any particular district rendered it necessary that a special and additional police force should be located amongst them, it was but fair and proper they should bear the expense of it. In 1874, there had been only three instances in which it had been necessary to call the Act into operation, and he believed that the whole of the cost did not exceed £184. He trusted the Committee would not be troubled to divide upon the Amendment.

SIR JOSEPH M'KENNA urged the unanimity of the evidence before the Westmeath Committee against the police tax. That given by Mr. Rocheford Boyd, Mr. Talbot, and other stipendiary magistrates went to show that the provisions which it was the object of the Amendment to repeal operated with harshness upon the class of small farmers, and alienated them from any sympathy with the Government in the maintenance of law and order. The hon. Baronet read extracts from Mr. Boyd's evidence, complaining of the operation of the law even as it then stood in respect to fines on the inhabitants of certain districts, also a letter addressed to himself (Sir Joseph M'Kenna) by the late J. F. Studdert, resident magistrate, then stationed at Moate, in the County of Westmeath, in which the writer said he believed—

"If the police were kept active, 80 per cent of the crime complained of could be put down, and if the people of the country were fairly treated the remaining 20 per cent would soon cease."

In the great majority of cases, murders in a certain district were not committed by the persons resident in that district, and thus the peaceful inhabitants in which a murder was committed had to smart for outrages perpetrated by a stranger. Every extra constable cost the country £37 per annum, and that was a great tax upon the well-disposed.

MR. M'CARTHY DOWNING also supported the Amendment, and expressed the belief that the great majority of the magistrates in Ireland would be in favour of the repeal of those Acts. The magistrates who gave evidence before the Westmeath Committee were unanimous in desiring their repeal.

MR. MOORE also supported the Amendment, and believed that the real reason why men were recently found to be short in Tipperary was in consequence of their not receiving sufficient wages.

MR. W. E. FORSTER said, he could not support the Amendment. He had full reason to believe that this power would be exercised with great care, and he was not able to satisfy himself that it would be desirable to relax precautions against agrarian crime. He believed there might be cases of hardship in this particular mode of meeting outrages; but he must admit the justice of the general principles of putting on a district some of the expense of providing against these special crimes, and rough as the remedy might be, he thought it was a fair one. Unfortunately, there were districts in Ireland in which public opinion was not so strongly exerted to put down crime as could be wished, and the cost of maintaining the extra police force was not unlikely to have a beneficial effect. Of course the districts objected; but he could not accept the objections of Members who represented these districts as conclusive.

MR. SULLIVAN said, that was really a "vengeance tax," and although the peasantry might have no sympathy with the murders committed in the neighbourhood, yet they were made to pay. The mode of its operation was exactly as if one of the Prussian commanders in France had a complaint to make against a particular district, and quartered a division upon the inhabitants in order to requisition the district; for the Lord Lieutenant might send down one of his battalions to punish a certain district, and eventually leave the people not a bed to sleep upon, and thus drive them from their farms and consign them to pauperism and the workhouse, or compel them to emigrate. It was more effective than any other mode for clearing off the small peasant occupiers of land, and he asked any landlord in the house, whether he believed that the position of the Irish peasantry was such that they could

afford to pay increased taxes for the maintenance of a police force without letting their rents fall into arrears? And if they fell into arrears with their rent, then their landlords, who were not worse than landlords in any other part of Great Britain, distrained, and they were turned out of their holdings. The unfortunate people were too poor to be able to pay the 6s. 3d. in the pound for the quarter, and had to beg from door to door to get the means of paying the "vengeance money." They went to the police officer, who treated them very kindly, but said he had no power to give them the further time which they asked for. They had to pawn their goods. A Protestant gentleman once told him he had seen such scenes. The people brought their little bits of furniture to the cross roads, and the wretched spectacle was presented of these poor people selling their bedding at prices varying from 3½d. to 3s. 6d., and thus producing a sum of no use to the Government, while it left many poor children without any bed but one of heath, plucked for them from the hillside. As an instance of its oppressive character, in the case of the murder of Mr. Bradshaw, in Tipperary, an extra police force had been stationed in the district; and yet the inquest disclosed that the murder arose from domestic circumstances which had never been probed. The peasantry had to pay a police-tax more than equal in amount to their year's rental. Their rents accordingly fell into arrear, their landlords distrained upon them, and they lost the chance of availing themselves of the compensation clauses of the Tenant Right Act. Again, a Mr. Hunter was shot in Mayo, but not by the peasantry. An iron police barrack was, however, brought down from Dublin, and a police force was quartered on the district. There were 60 families in the district, who were asked to pay 25s. in the pound. They were too poor to pay, and they were obliged to sell everything they had. If English gentlemen could only realize the scenes which took place, and the wretchedness which followed them, they would hesitate before they imposed such legislation. He protested against it, and said, as the police were in reality a military force, they ought to be treated as such, and be paid for in the usual way.

Mr. CLIVE said, he could not support the Amendment, for if there was one

clause in the Bill more valuable than another, it was the one in question. He thought there had been some exaggeration in the speech just delivered. A more harmless man than Mr. Hunter never existed, and he oppressed nobody, yet he was murdered. In the following year a farmer was shot at within two miles of his (Mr. Clive's) door, the ball passing through his clothes, and that was done because he had befriended the widow of Mr. Hunter. In the neighbourhood was a very troublesome population, but as soon as the extra police force was stationed in the district they became very quiet and orderly.

THE O'CONOR DON observed, that those cases rather furnished an argument against the tax. The tax in Mr. Hunter's case was enormous, but from his known inoffensive character, and from his general popularity, the inevitable conclusion was that his death was the consequence of a domestic quarrel. There was another case in the same county in which the claim to compensation was resisted on the ground that the murder was committed by a member of the family of the murdered man. In the case of Mr. Hunter, there being no motive for the crime on the part of neighbours, that ought certainly to be an argument against the imposition of a fine so tremendous as was then levied, and as the imposition of this fine led to the bad treatment of the widow, Mrs. Hunter, he maintained that the law had directly led to the commission of crime instead of having repressed it. The subject was very fully gone into before the Westmeath Committee in 1871. A large number of witnesses were examined by it, who knew the country well, and they declared that this provision would have a most injurious effect. Even landlords, who were strongly and urgently in favour of all other means of coercion, were opposed to a resort to this one; and some who avowed that at one time they thought it would be useful, having seen it in operation, declared before the Committee that its operation had been the very contrary of what the Government expected it would be.

Question put, "That those words be there inserted."

The Committee *divided*: — Ayes 85; Noes 282: Majority 197.

Mr. SULLIVAN moved, as an Amendment, in page 3, line 33, at end, add—

“ Provided always, That nothing herein contained shall be deemed or taken to continue the tenth section of the Act passed in the eleventh year of the reign of Her Majesty, entitled ‘An Act for the better Prevention of Crime and Outrage in certain Parts of Ireland until the first day of December, one thousand eight hundred and forty-nine, and to the end of the then next Session of Parliament,’ and from and after the passing of this Act the said section shall be and the same is hereby repealed.”

The hon. Member, referring to the Answer given a few nights ago by the Chief Secretary for Ireland, in reply to his Question as to what the Government intended doing with regard to American gentlemen who were expected in Ireland to shoot in a rifle competition, declared that they were going to exercise the dispensing power which dethroned James II. There was no use blinking the question. Unless the Government repealed the section in question it would be in the power not only of the police, but of any civilian, to walk up to any of those American gentlemen, and on his failing to produce the shooting licence from Dublin Castle have him removed to gaol. The right hon. Gentlemen would not like that 30 American gentlemen should go back to their country, and say “Talk of the British Constitution, why when we got under it our rifles were taken from us, because we had not a police ticket of leave for shooting.” The right hon. Gentleman said that those gentlemen would not be interfered with more than English gentlemen who went to Ireland for sporting purposes; but if those gentlemen were not interfered with, by virtue of any power conferred by statute, the Government were exercising the very same power as drove James II. from his Throne. It was not the case, however, that English gentlemen were left unmolested by the police in Ireland as regarded shooting. On the contrary, he had letters from English gentlemen complaining of their treatment by the police. One gentleman he would mention, who had rented the shooting of rabbits at a warren near Cork, could not produce his ticket-of-leave when called upon, and was bluntly told that unless he ceased firing until he got his ticket-of-leave, his next bedroom would be a cell. He could mention one or two other cases of the kind, but would conclude by moving his Amendment.

Sir MICHAEL HICKS-BEACH said, he did not know why the hon. Member was so anxious about American riflemen, who were not coming to Ireland at his invitation, and who were not going to be entertained by him. He had been informed, however, by those who had invited these gentlemen, that the same arrangements which had been made on previous occasions in cases of this kind, would be made to prevent the riflemen from coming into collision with the law. The section which the hon. Member proposed to repeal only provided that persons unlawfully carrying arms should be apprehended, and that magistrates should have the power to order a search for arms. It would be evident that it would be impossible to carry out a law restrictive of the use of arms without some such provision; and, looking at the majorities by which the Committee had affirmed the restriction on the possession of arms, he hoped the matter would not longer be contested.

CAPTAIN NOLAN said, that, unfortunately, the statement of the right hon. Gentleman as to the riflemen not having been invited by the hon. Member for Louth was perfectly correct. They were not coming at the request of a Representative of the Irish people—he might say at the request of Ireland.

Mr. RONAYNE asked, if it was illegal to carry arms, why were people allowed to get over the illegality by this hocus-pocus work? There was evidently some secret communication between the officials of the Castle and the police, by which persons of one class were permitted to commit illegal acts with impunity, for which those of another class were severely punished, and it was this that the people of Ireland objected to. The hon. Member instanced several cases in which gentlemen who had been arrested with arms illegally in their possession had been saved from the necessity of attending at quarter sessions by the interference of friendly magistrates or officials in direct variance with the law.

Mr. BIGGAR trusted the Government would accede to the Amendment.

Mr. SULLIVAN said, the Committee should insist upon having a statement from the Government on this very important subject. Let him bring out from his secret desk [“Oh, oh!”]—yes, from his secret desk—let him produce some documents showing where he obtained

this power to excuse certain persons from the penalties of carrying arms. Hon. Members could not find the power in any of the volumes before them—in neither the common nor the statutory law. Where, he asked, did the Chief Secretary get his power to deal as he proposed with these American riflemen? In a constitutional way he said the right hon. Gentleman must produce it to the Committee if it were in existence. With regard to the taunt which had been directed to him (Mr. Sullivan) as to his not having invited the American riflemen, he would make this offer to the right hon. Gentleman—he would undertake to bring over from America battalion after battalion of riflemen, and let it be seen who would first cry, "Hold! enough!"

MR. R. E. PLUNKETT, as one of the Irish Eight, said, he was certain that when their American guests came over to Ireland, they would not be inconvenienced in any way by the Act in question. If he thought they would be inconvenienced he should not support the Government. The grievance of the hon. Member for Louth was a sentimental one.

SIR MICHAEL HICKS-BEACH was reminded of the saying about a storm in a tea-cup by the denunciations of the hon. Member for Louth. The hon. Gentleman seemed to imagine that there was some secret and awful power vested by law in the Government which nobody knew of but the present Chief Secretary, and which was never applied before.

MR. SULLIVAN said, he did not imagine anything of the kind, but only said that the right hon. Baronet had foreshadowed it by saying he knew how to arrange matters.

SIR MICHAEL HICKS-BEACH said, he would explain the simple state of the case to the hon. Gentleman. He was informed by the Secretary of the Irish Rifle Association, that it was the practice to apply to the licensing authority some days before the match came off for licences for the gentlemen they had invited to compete in shooting. These licences were, of course, granted, and nothing took place which could wound the national susceptibilities of any visitor.

MR. RONAYNE wished to know whether the same privilege would be extended to the riflemen whom he and his friends might invite?

SIR MICHAEL HICKS-BEACH said, the hon. Member for Cork had repeatedly told them that he would not submit to the degradation of asking for a licence for himself; and it could therefore hardly be supposed that he would ask for licences for his friends or wish that they should degrade themselves by asking on their own behalf.

MR. RONAYNE said, neither would he for himself. He had deprived himself of considerable source of pleasure as a sportsman for some years rather than go through the indignity of asking a policeman for permission to carry a gun.

Amendment negatived.

MR. RONAYNE moved, in page 3, line 33, at end, to add—

"From and after the passing of this Act none of the provisions of the Act of the eleventh year of the reign of Her Majesty which were continued by 'The Peace Preservation (Ireland) Act, 1856,' and are continued by this Act, which relate to the having or carrying arms, or any penalties for same, shall extend to any arms or other things mentioned therein except to guns, pistols, and other firearms, and all such provisions, so far as same are continued by this Act, shall be read as if guns, pistols, and other firearms, and no other arms or weapons, had been included or mentioned therein."

The meaning of the clause would be understood by the definition of the word "arms." The Bill, as it stood, was intended by the Government to put down agrarian crime. Well, as agrarian outrages had never been committed by means of the cutlass, the sword, the pike, or the bayonet, surely these need not be retained in the provisions. A great deal of annoyance had been caused to people through their houses having been searched, and old weapons, such as swords belonging to ancestors being taken away. Under the Bill as it stood, even the possession of foils and stage rapiers was illegal—so that the Bill would deprive the Irish people of the pleasure of acting Shakespeare's plays, for what would Hamlet be without a sword? Then cannon were included in the Bill. Well, he had never heard of a landlord having been shot with a cannon. Yet cannon were included in an Act—the pretence of which was the suppression of agrarian outrage in Ireland. He did not think he was asking anything unreasonable in requesting that his Amendment be accepted.

Amendment proposed,

In page 3, line 33, after the word "mentioned," to insert the words "From and after the passing of this Act none of the provisions of the Act of the eleventh year of the reign of Her Majesty which were continued by 'The Peace Preservation (Ireland) Act, 1856,' and are continued by this Act, which relate to the having or carrying of arms, or any penalties for same, shall extend to any arms or other things mentioned therein, except to guns, pistols, and other firearms, and all such provisions, so far as same are continued by this Act, shall be read as if guns, pistols, and other firearms, and no other arms or weapons had been included or mentioned therein."—(*Mr. Ronayne.*)

SIR MICHAEL HICKS-BEACH observed that the Amendment would exclude revolvers, swords, cutlasses, pikes, and bayonets from the term "arms." Everybody knew that a pike was not an unknown weapon in Ireland, and instances had come before him of party processions in which imitation pikes had been carried; and he had no doubt real pikes would have been carried but for this prohibition. It was needless to say that he could not agree to the Amendment.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 67; Noes 270: Majority 203.

THE O'CONOR DON, in formally moving the omission of the words giving the Grand Jury power to assess damages upon a district where an outrage had occurred, said, he only did so to put himself in Order. It was admitted by the Prime Minister that there ought to be no fine where the criminal was given up, or where no reasonable ground existed for supposing that evidence which might lead to a conviction was kept back. He had on former occasions strongly objected to the whole system of fining innocent individuals under any circumstances. His objections had not been met. He would not then repeat his arguments; but he wished to know from the Chief Secretary whether he was prepared to make any concession in the direction indicated on a previous evening?

SIR MICHAEL HICKS-BEACH said, the question had been fully discussed already, and he hoped it was not about to be re-opened. He had hoped that the hon. Member would himself have proposed an Amendment to give effect to his views, and was rather surprised that he had not done so. He did not, upon

consideration, think that it would do to exempt from payment a district in which some person had been convicted of the crime, though it might be hard to punish a district when it was shown that the inhabitants had done their best to deliver the culprit up to justice. However, he was willing, at a later stage of the Bill, to introduce an Amendment to the existing law to the following effect:—

"Provided that no such presentment be made or affirmed unless in the opinion of the grand jury there is reason to believe that material evidence is withheld by any person resident within the districts on which the presentment is to be levied."

Though he did not pledge himself to the exact words, that was the Amendment which he was prepared to propose, and he hoped it would be accepted as a settlement of the difficulty. He wished it to be understood that while the Government would maintain the principles of the Bill intact, they desired to render it as little oppressive as possible.

THE O'CONOR DON thought that the Amendment proposed would be satisfactory. The right hon. Baronet expressed surprise that he (the O'Connor Don) had not put Amendments on the Paper similar in spirit to that which he had himself proposed; but he had such an objection to this legislation in principle that he did not think that he would be justified in making any attempt to patch it up. He, however, hoped that his hon. Friends would withdraw their Amendments, and accept the proposition shadowed forth by the right hon. Baronet.

MR. MC'CARTHY DOWNING said, he could not agree that this would be a very great improvement, for Grand Juries would generally be of the opinion referred to in the Amendment. What would be a great improvement would be this—that the ratepayers should have the right to traverse the presentment, and try the question before a Judge and jury, as was the practice under the old law, which gave compensation for malicious injuries.

MR. BIGGAR concurred in the objection to the proposed Amendment, and thought that instead of the term "any person," it should be "any ratepayer."

CAPTAIN NOLAN said, he would not again discuss the question whether compensation should be paid to the relations of a murdered man. That question had been already settled by the Committee.

He would only say that if Ireland would not be the pleasantest place in the world to be murdered in it would be so far as the next of kin of the victim were considered, seeing that they were to receive compensation in money in consequence of the commission of the crime. He begged to move as an Amendment in page 3, line 38, after "presentment," to insert—

"That the money shall be levied off a poor law union or off an electoral district of a poor law union, or of several districts of a poor law union, and through the collecting machinery of a poor law union, and in the same proportion between the proprietor and the occupier as that in which the poor rates are now collected, and also."

The rates in Ireland were of two different kinds—the poor rates which were paid equally by the occupiers and the landlords, and the county cess which was paid entirely by the tenants. The theory of the county cess, as settled by this House in 1870, was that the rate should be paid equally in cases of new contracts, but the landlords were in the habit of contracting themselves out of this rate altogether. His contention was, that half of the money presented as compensation should be paid by the landlords and half by the tenants, and this would practically be the case if it was paid out of the poor rates. If they did not adopt the Amendment, they would be declining to carry out a principle which had been adopted in the case of the Explosive Substances Bill and other measures.

SIR MICHAEL HICKS-BEACH said, the principle brought forward by the hon. and gallant Member in his Amendment was that the tax should be paid partly by the occupiers and partly by the owners of property, instead of by the occupiers only as at present. He did not propose at present to go into the question of local taxation, nor would he attempt to deal with the question of Grand Jury compensation; but he would address himself to the reason why this should be an occupier's and not an owner's tax. The hon. and gallant Gentleman had accused the Government of going against the principle of existing legislation, but he had to remind him that the 69th section of the Irish Land Act specially provided that charges of this description—for murder or malicious injury—to be levied under the Peace Preservation Act, should not be divided between owner and occupier. The occupier of land, as a rule, would be

a resident in the district, whereas the owner would, very likely, be non-resident, and the result of this was that by taxing the occupiers the tax fell on those who would in all probability possess some knowledge of the criminals who had disturbed the peace of the district, whereas if the owners were equally taxed, those who knew nothing whatever of the matter would have to bear the burden equally with those possessing a guilty knowledge.

THE O'CONOR DON regretted that he could not support the Amendment of his hon. and gallant Friend. To do so would be to admit the principle that the person who had suffered an injury arising out of some agrarian cause, was justly entitled to receive a money payment in respect of it, though not entitled to receive such compensation if the injury arose from some other cause. He could never see the justice of this principle, and could assent to no Amendment which embodied it. The only principle on which the compensation rate could be at all justified was, that it would fall, to a certain extent, if not on the perpetrators, at least, on the aiders and abettors in the commission of the crime. He did not mean to say that it was his opinion that even this was a just principle, or that it would really work out as anticipated; but to place any portion of the fine or rate on the proprietors, against whom not the slightest suspicion of complicity with the crime could be raised, seemed to him to embody a most dangerous principle, which might lead to making the enactment permanent.

MR. PEASE said, he perfectly agreed with what the right hon. Gentleman the Chief Secretary for Ireland had said about the tax; the Amendment which the hon. Gentleman had moved, or was going to move, materially altered the position of the case. The case of the Explosive Substances Bill, to which the hon. and gallant Member (Captain Nolan) had referred, was not at all in point. If the Grand Jury were satisfied that occupiers were harbouring criminals, or not doing their best to bring offenders to justice, then alone would the tax be levied, and it ought to be borne by the occupiers. Owners being occupiers would have the tax to pay.

MR. SULLIVAN regretted this policy on the part of the Government, and denounced it as a policy for encouraging

the absenteeism of landlords at the expense of those who stayed at home and did their duty. In the counties of Carlow and Wicklow, and elsewhere, where the local gentry remained at home and discharged their duties faithfully, we did not hear of any outbreak of agrarian crime; it was where the landlords were absentees that the people were disaffected, and throwing the entire burden of exceptional taxes upon residents was merely offering a premium for absenteeism.

MR. PARNELL regarded the argument as an unfortunate one that because a landlord was non-resident he should be released from the responsibilities of his position. As a resident Irish landlord, he feared that such a clause as now proposed, which embodied the principle of taxation without representation, would add to the feeling in Ireland that this was a tyrannical Bill.

CAPTAIN NOLAN moved, "That the Chairman report Progress, and ask leave to sit again."

Motion agreed to.

House resumed.

Committee report Progress; to sit again upon *Monday* next.

PARLIAMENT—BUSINESS OF THE HOUSE.

In reply to Mr. STANSFELD,

MR. ASSHETON CROSS said, the Committee on the Peace Preservation (Ireland) Bill would be resumed on Monday. The Public Works (Loans) Amendment Bill would not be proceeded after half-past 10 o'clock on Monday night.

It being now ten minutes to Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. Sullivan

THE IRISH COLLEGE (PARIS).

MOTION FOR A SELECT COMMITTEE.

MR. BUTT, in rising to move—

"That a Select Committee be appointed to inquire into and report upon the allegations of the Petition from the President and Members of the Irish College at Paris, presented on the 4th day of August last, and also those of the Petition from the Roman Catholic Prelates of Ireland, presented on the 23rd day of March,"

said, these two Petitions prayed for reparation for property confiscated by the French Directory in 1793, and they founded their claim under the Treaty made between the French Government after the Restoration and the English Government, by which a sum of money was transferred to English Commissioners to compensate British subjects whose property had been confiscated. They also prayed for the appointment of a Committee similar to that appointed in the Baron de Bode's case to investigate the whole matter. He knew the subject was one of considerable complication; but he believed he should be able to make the facts known to the House in the few remarks he should have to make; and further, that the appointment of this Committee would be a right and good action. The Irish College in Paris was founded at a time when there was a difficulty in educating Roman Catholic clergymen in Ireland. It was founded entirely by British money—or rather, he ought to say, Irish money. It was always in the hands of Irishmen, subjects of the King of England; always under their management exclusively. Neither the French Government nor the French Episcopacy ever received any control over it. He would not trouble the House with the early history of the College, but would come at once to the year 1789, when a decree was adopted by the National Assembly which confiscated all ecclesiastical property in France to national purposes, and under that decree the French Government attempted to take possession of the property of the Irish College. Lord Gower, however, then the English ambassador at Paris, was instructed to interfere, and the result was the National Assembly appointed a Committee to inquire, and the Committee reported that the property was British property, and it was accordingly restored to the College. Immediately afterwards a decree of the National Assembly was

passed exempting the professors and officers of the Irish College from taking the oath required from French ecclesiastics. By the joint action of the two Governments the College was then declared to be a British establishment in the sense of being under the protection of the King of England. Unfortunately, however, the property was afterwards confiscated on the very ground that saved it in 1789, for in 1793, the French Convention passed a decree by which all the property of British subjects was sequestered, and the property of the College seized beyond all question as the property of British subjects. The College was for a time shut, but in the beginning of the century, under the First Consul, it was re-established. Its property, however, was not restored, for it had been sold as part of the confiscated property, and with crippled means the College had ever since subsisted in Paris as a British establishment. After the Restoration, the French King endeavoured to interfere with it, but there was a very interesting account in the "Annual Register" of 1815 of Archbishop Murray applying to the French Government, who had taken possession of the College, and pointing out that it was not a French but a British establishment. Accordingly the French president was removed and an Irish priest appointed as administrator of the College. In 1814, after the first Restoration, by the treaty of peace between the two countries, France undertook to indemnify British subjects who had suffered by the confiscation of 1793, and the Government inscribed on their book a sum of money equal to 3,500,000 francs of Rente for the purpose of meeting the claims to be made. The money, however, was not paid, for before the treaty was carried into effect Napoleon's return interrupted everything; but on the 20th of November, 1815, another treaty was signed between England and France, by which the French Government renewed its obligation to compensate British subjects whose property had been seized, and special provision was made for that purpose in a Convention attached to the treaty. Under that Convention a mixed Commission was appointed to investigate the claims, and he believed it would be established before the Committee—it was positively stated by the authorities of the College on information received from the French Go-

vernment—that the Mixed Commission declared the claim of the College to be legitimate, and they inscribed it on a register which they were bound to keep to the extent of £67,000. He thought it right to say, however, that he had not been able, with such research as it was in his power to make, courteously assisted as he had been at the Foreign Office, to lay his hands on documents which would prove the fact, although there was no doubt of their having existed. If the Mixed Commission reported in favour of the claim he could not understand why it was not paid in 1818. In that year it became the object of the French and English Governments to get rid of the military occupation of France, and a further sum producing a dividend of 3,000,000 francs a-year was put down as the amount which would discharge in full all claims made by British subjects. It was not clear what was to become of the surplus, if any, but it was clear that all the claims were to be settled before the English Government appropriated it. That was the view, no doubt, of the English Government at the time, because in 1819 an Act was passed appointing an English Commission to deal with these claims, fixing the time the claims were to be made, and authorizing the Treasury to appropriate the balance as they might think desirable. The College originally claimed £103,000, and as he had said, £67,000 was set apart for it, but the money was not paid. The first step taken was not to apply to the English Commissioners for payment, but to the French Government, who had already handed the money over to the Commissioners. The French Government refused to pay. That Government said—

"No, your claim was before a mixed Commission. It was proved, and we handed over a sum of money to meet all the claims made to purely English Commission."

At that time Lord Stuart de Rothesay was British Ambassador at Paris, and he strongly urged the claim upon Mr. Canning, and he (Mr. Butt) believed that if Mr. Canning had lived, the claim would have been satisfied. The case came before the Privy Council, and the ground upon which it was rejected by the Privy Council would be found, in a Parliamentary Paper, as stated by Sir John Leach as Master of the Rolls in 1830, when it was held that the claimants could not be

held to come within the meaning of the words "British subjects." The Petitioners, however, alleged, amongst other things, the property in question was clearly the property of British subjects. It must be admitted that the Petitioners came before the House under the difficulty that their claim was an old one, but what he submitted was that if their claim was a just one, no lapse of time could bar it. The first proposition was that the lump sum was transferred by the French Government to the English Government, and the latter, as trustees, were to pay every legitimate payment. They had no right to apply any of the money to their own purposes, and it could not be held that the lapse of time was a bar to a national trust. The Petitioners made several further allegations. They said this property was beyond all doubt property of British subjects; that their establishments were always kept distinct as Irish establishments, and that this property was confiscated as the property of British subjects. They then said there was now in the hands of the English Treasury a sum of money to some extent applicable to them. [The CHANCELLOR of the EXCHEQUER: A very small sum.] However small it was, he should be content if the right hon. Gentleman would give it to him, with interest, from the time he got it. He thought he could prove, however, if the Committee were granted, that at least £26,000 was still available for the purpose. Those were the allegations of the Petitioners. They were told that the case of the Baron de Bode was of a similar character, and that the Privy Council had decided against his claim. But in Baron de Bode's case the property was not confiscated but forfeited, and it therefore formed no parallel. Lord Lyndhurst brought the case before the House of Lords in 1852, on a Petition similar to, though not so strong, as the Petition now before the House, and he, too, asked for the appointment of a Committee, which was unanimously acceded to. Some of the observations made by the noble Lords on that occasion applied also to the present case. It was admitted by Lord Lyndhurst that there had been a long lapse of time, but he said it would be disgraceful to Government to avail themselves of it. Lord Truro used strong language, which he (Mr.

Butt) did not see the occasion for. He said the Act of 1819 was a wicked Act—probably meaning that it was wicked to allow the Treasury to appropriate any of the money, whilst there remained a claimant unsatisfied. Lord Derby acceded to the Motion, a Committee of the House of Lords sat, and they reported in favour of the claim to the House of Lords. There was a case which formed an exact precedent to the Motion, and he thought it would only be justice if the facts contained in the present Petition were true to appoint the Committee prayed for. No one would deny that the property confiscated was that of British subjects, for it was by reason of their being British subjects that the property was confiscated. He also thought his hon. and learned Friend the Attorney General would agree with him when he said that a lapse of time was no bar to a legal claim, and that no justification could on that ground be given for withholding the payment of a just demand, if that demand were founded on truth and justice. The last allegation in the Petition was that there were funds in the hands of the Chancellor of the Exchequer. [The CHANCELLOR of the EXCHEQUER dissented.] The right hon. Gentleman, by shaking his head, seemed to think that that was not so, but if it was not then it ought to be so. At all events it was not a very singular fact that an annual income derived from the French funds and amounting to 6,500,000 francs was handed over to the English Commissioners in 1818. The French funds were sold, the dividends received, and yet no account was ever given to Parliament of the application of that money until 1871, but in the meantime a great deal of it had been disposed of. The Treasury drew out of it £250,000, partly in order to pay the Duke of York's debts and partly to rebuild York House. It was true the money was repaid when the attention of the Committee of the House of Commons was called to the matter, but it was repaid only after a remission had been made of one-half of the interest. In 1871 an account of the application of the fund was for the first time rendered to Parliament. That account showed a balance of £310 0s. 11d. Some of the items, however, required explanation. For instance, the sum of £23,000 was said to be paid to a claimant by the

Mr. Butt

Commissioners out of the proceeds of the property, which was sequestered in 1793. A note to the Return stated that the particulars had been given in a Paper presented to Parliament in 1836. To pay £23,000 for wrongs inflicted by the British Government upon a French subject out of a fund entrusted to them by the French Government for the giving of compensation for wrongs inflicted upon British subjects by the French Government was certainly a strange proceeding. While the claim of the Irish College at Paris existed, the British Government had no right to apply the money entrusted to them by the French Government in any other way than in satisfying that claim. Why should different justice be dealt out in this case from that dealt out in the case of the Baron de Bode. Ultimately the case of the Baron de Bode broke down. This case, he hoped, would not break down, but if it did, inquiry into it by a Select Committee of the House would show that justice had been done. He wished to know whether there was any answer to the case he had made. The only answer he believed that could be given was the lapse of time, but to rely upon such a quibble as that would be unworthy of a great nation. This was never a settled account. He had beyond all doubt falsified it in one particular, and he thought he had shown reason for falsifying it in another. He contended it had been practically conceded that the claim was one which ought, at all events, to be investigated. There was a *prima facie* case made out for redress and the proper way to pave the way for that redress was to appoint a Committee. The hon. and learned Gentleman concluded by moving his Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into and report upon the allegations of the Petition from the President and Members of the Irish College at Paris, presented on the 4th day of August last, and also those contained in the Petition from the Roman Catholic Prelates of Ireland, presented on the 6th day of this instant April,"—(*Mr. Butt*),—instead thereof.

THE CHANCELLOR OF THE EXCHEQUER said, he would frankly admit that he was utterly unable to cope, either in point of eloquence or legal

knowledge, with the hon. and learned Gentleman. But he must also say that the case which the hon. and learned Gentleman had presented to the House was very far indeed from satisfying his mind that there was any occasion for the appointment of a Select Committee on the question. Without going into all the questions that the hon. and learned Gentleman had raised, he thought he was right in saying that the foundation of this case was simply this—that in the course of the French Revolution, and especially in the troubled year 1793, and the years immediately following it, considerable injuries were inflicted by persons who obtained power in Paris and in France upon British subjects, and great losses were sustained by British subjects, and that amongst the sufferers were to be found the Body known as the Irish College. After the Peace in 1814, conventions and treaties were made between the French and English Governments, and those treaties contained stipulations for making compensation on the part of the French Government to English subjects who had sustained loss. The mode in which that was done appeared to be this—that the French Government appeared to pay over a certain sum or to create in rentes a certain annual sum that should be equal to a certain capital sum which it was supposed would be sufficient to make good the losses sustained by British subjects, and British subjects who had claims were called upon to come forward and make their claims. Those claims were to be investigated and to be made good out of the monies so provided by the French Government. The sum originally deemed to be sufficient was equal to 70,000,000 francs. It was found that that sum was not enough, and it was increased by a further sum of 60,000,000 francs. That sum was given by the French Government in order to compensate those English sufferers who could prove their claims. It was contemplated that the claims would be paid in full, if the gross amount given proved sufficient for the purpose; and, in case of its falling short, a proportionately smaller sum was to be awarded. By 59 Geo. III., passed in 1819, certain Commissioners of Liquidation and Arbitration were appointed to investigate the claims, and other Commissioners—called Commissioners of

Deposit—were appointed to administer the fund which was placed in their hands. The same Act provided that in case the decision of the Commissioners failed to give satisfaction, there should be an appeal to the Privy Council. This certainly seemed to him to have been a very efficient machinery for obtaining fair examination and equitable decision as to any claims that might be made. It having been arranged that, in case the fund provided was not sufficient to meet the claims in full a reduced amount was to be paid, it was further provided that, in case there was a surplus, it should be disposed of in such way as the Commissioners of the Treasury for the time being might direct. This being the machinery provided, what was the course of this case of the Irish College? The representatives of the College put in a claim for indemnity, and that claim was heard, like a great many others, by the Commissioners of Liquidation, and they decided against it. No doubt, the Mixed Commission had thought it a proper claim for investigation; but when it had been examined the decision was against it. Then the representatives of the College, not being satisfied with the award of the Commissioners appealed to the Privy Council, and the appeal was heard in 1832. No doubt, the claimants had not then the advantage of the advocacy of the hon. and learned Gentleman, who was then distinguishing himself at Trinity College, Dublin; but they had the assistance of gentlemen of eminence to lay their case before the Privy Council. The judgment of the Council was delivered by the Master of the Rolls, and it turned to a certain extent upon Lord Gifford's judgment in the Douay case, and it was held that they were precluded by the Douay case from any further consideration of the subject. It would be presumptuous in him (the Chancellor of the Exchequer) to criticize that judgment; but this was clear, that there was at that time a certain function performed, and there was no reason to suppose that there was anything wrong in the case, but, on the contrary, that it had been fairly tried and decided on. It was impossible that they could be continually re-opening cases of this sort which had been decided 40 years ago. It was true that in the Baron de Bode's case Parliament did consent to appoint a Committee to look into the matter. They

all knew that after extreme perseverance the Baron de Bode succeeded in obtaining one or two hearings, which were more or less formal; but after all they resulted in the same thing, that was in setting up and confirming the decision of the tribunal that was originally engaged in deciding the case. So far as the precedent went, then, it was against rather than in favour of the proposal now made by the hon. and learned Gentleman. He wished to say that the decisions of the Privy Council upon these appeals were not mere matters of form, because in 16 or 17 cases they reversed the awards of the Commissioners, and in some 15 or 16 cases they confirmed the awards. Moreover, if the Government should consent to the appointment of a Committee to look into the case of the Irish College, what could they say should the Marquess of Lansdowne or the parties in any other unsuccessful case ask for a Committee? The hon. and learned Gentleman referred to Lord Truro having called the Act of 1819 a wicked Act, because it barred the claims after the lapse of a certain time; but what happened under it? After the claims which had been sent in in time had been examined there remained a surplus, and the Treasury thereupon relaxed the rule as to the time for sending in notice of claim. In consequence of that, a number of claims of which notice had not been sent in in time were examined into, and in satisfying these claims the surplus was disposed of. The whole of the surplus was adjudicated to one person and another; and, although there ultimately remained £903 in the Exchequer, yet there were claims against it which amounted to rather more than £1,200, so that if all these claims should be brought forward there would be a deficiency. If the Government were to give money to the representatives of the Irish College, why should they not also give money to every other claimant who had not made out his claim? The hon. and learned Gentleman had grossly exaggerated the surplus, and said that there was interest which was unpaid upon the Duke of York's advance; but it seemed, from a Paper which he (the Chancellor of the Exchequer) held in his hand, that the money, and also the interest, had been repaid. It was now too late to re-open this case by asking for a Select Committee. If they yielded to the claims

of the Representatives of the College, he did not see how they could resist the claims of individuals; but the great objection to the Motion was that it sought to constitute the House of Commons as a Court of Appeal from the more competent tribunal, the Privy Council, which had already given judgment in the matter. He hoped the House would not support the Amendment.

THE O'CONOR DON said, every argument used by the right hon. Gentleman (the Chancellor of the Exchequer) might have been applied to the case of the Baron de Bode, and yet Parliament did consent to that case being re-considered. His contention, however, was that this case was quite different from all the other cases which came before the Commissioners, and one, therefore, deserving of consideration. Those Commissioners made no formal award, because they assumed that the Irish College stood on the same footing as the College of Douay, whereas the one was totally different from the other. For that reason, he thought the case should be reheard.

THE ATTORNEY GENERAL asked if it was really the intention of the hon. and learned Member for Limerick to appeal to the House against the decision given 40 years ago by the highest tribunals of the country, and which had been also confirmed and solemnly decided by the Privy Council? If that was allowed, the time of the House would be continually occupied with discussions of this kind, greatly to the obstruction of Public Business. It had been urged that the Privy Council, in deciding the case of the Irish College, had considered themselves bound by the previous decision in the Douay College case, and that the circumstances of the two cases were different; but it would be found upon examination that the reasons for an adverse decision were that the College, if British, was an establishment contrary to the law of England, and if French, no claim could be made. However, the real question now was whether, after this lapse of time—or, indeed, after any lapse of time—that House should become a Court of Appeal against the decisions of the highest tribunals. This case was unlike that of the Baron de Bode, who, apart from any treaty, pressed his claim on the British Government.

MR. BUTT, interposing, said, it appeared from documents in his possession, that the Baron de Bode's Petition of Right was founded merely on the Convention of 1815, on the ground that the British Government had funds to pay him, and that he could not get them except under the Act of 1819.

THE ATTORNEY GENERAL said, that was so as regarded his Petition of Right; but the Baron de Bode failed in those proceedings, and it was afterwards, as an outsider, not having the benefit of a treaty, that a Committee was obtained in his favour in the House of Lords. He was quite ready to admit that time could not bar a claim of this kind in the case of a trust in which wrong had been done, but then it must be shown that there had been error in the accounts. In this case no such error had been shown, and, neither on principle nor on the precedent cited by his hon. and learned Friend, was there any reason for this House constituting itself into a Court of Appeal to rehear the case of the Irish College at Paris.

MR. NEWDEGATE said, he hoped the House would consider for a moment the origin of the College, which was established in France for the education of Irish Roman Catholic youths, to be sent to Ireland as priests after they had been educated and trained. It was always a French College, but called an Irish College, because those educated in it were intended for the Irish Mission. It was established not by Irish funds, but by French funds. The claim was, however, set up because certain inhabitants of Ireland contributed to the establishment; but he thought that the College was subsidized by the French Government previous to the Revolution, and therefore the Commissioners held it to be French property. He added that historical recollection in order to strengthen the hands of Her Majesty's Government in resisting a claim which had been rejected by the tribunals of this country after repeated trials.

MR. O'CLERY said, he wished to correct the hon. Member for North Warwickshire. It was a fact, that owing to the Penal Laws, which prevented the establishment of a College in Ireland for the education of priests to serve on the Irish Mission, it was found absolutely necessary that the students should receive their education abroad; and it was

also a matter of fact and history that the funds which established the College in Paris were furnished mainly by British subjects. The French Government never gave a subsidy to the College, but only an official recognition, as a Catholic Government recognizing a Catholic establishment. He considered the case had been made out by the hon. and learned Member for Limerick, and it was one which was eminently entitled to the consideration of this House.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 116; Noes 54: Majority 62.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—A CENTRAL ARSENAL. OBSERVATIONS.

MAJOR BEAUMONT, in rising, pursuant to Notice—

"To call the attention of the House to the question of a central Arsenal, and to move for a Select Committee to inquire whether the cost of removal from Woolwich would not be recovered by the altered condition of manufacture and the diminished cost of raw material,"

said, that after the numerous discussions which had taken place upon theoretical questions in connection with the Army he thought it might be satisfactory to hon. Members to have one of a practical character brought under notice. It was essentially one of defence; and he apprehended that, whatever might be the difference of opinion on matters of offence, on the subject of defence there would be complete unanimity. He attempted to bring it forward last Session, but was not fortunate in the day obtained for the purpose. He however asked the Secretary for War whether the Government would postpone their contemplated purchase of land for a tactical station in the North of England, until the question had been discussed, and though the answer was a negative one, he was happy to learn that no action had been taken by the Government up to the present time in the matter. He did not by his Motion ask the House to commit itself to any question of principle. The *onus* of proof lay on him, and he was prepared to show on *prima facie* evidence that the cost of the change

he suggested would be more than fully recouped by the improved conditions of manufacture. As to the desirability of a change, he thought that from a military point of view few critics would dissent from the principle that the capital of a country and its arsenal ought not to be in one and the same place. The first object of an invader on entering an enemy's country was to reach its capital and its arsenal. In reaching the capital he paralyzed the Government, interfered with the progress of commercial relations, and crippled the money-producing power of the nation; and in striking at the arsenal he struck a blow which deprived the Army of its force and the country of its strength. Consequently, it was of the utmost importance to an invader that he should be able to attack us in those two vital points by one operation, and it was, of course, most desirable for purposes of defence that he should be prevented from doing so. In his early wars Napoleon's objective point was Berlin. Again, the Prussians marched on Vienna, and in the late struggle between France and Germany the cry on the one side was "To Berlin," and on the other "To Paris." The only thing that would justify the capital and the arsenal of a country being in one situation was the fact that the capital was defended by fortifications, and that the arsenal, being within those fortifications, was in the strongest position in the country. In France the engineers had thought it desirable to spend very large sums of money in perfecting a system of fortifications round Paris which was far from imperfect before the war. He would not discuss whether or not a mode of expending that money could not be found which should give a greater amount of defence; but the circumstances which obtained in Paris were not those which obtained in this country; and he did not think the House of Commons should be called upon to vote money for fortifications round London. The line of works would be too extended to enable them to be properly manned, and their cost would be too great. The Government had, he believed, a plan on paper for the defence of London, and he thought it was all right and proper as long as they confined such a scheme to paper, and went no further. According to the Report of the Commission appointed in 1859 the cost of completing a satisfactory line of fortifica-

Mr. O'Clery

tions round Woolwich would be between £2,000,000 and £3,000,000; whereas the establishment of defensive forts on the top of Shooter's Hill might be carried into effect for £700,000. There ought, he contended, to be no half-and-half measures, and if Woolwich was to be fortified the work ought to be done completely. He, for one, he might add, as a Northerner, entirely deprecated the idea that the country must give in to an enemy because the South found itself unable to keep him away. It would be, in his opinion, a most pernicious view to get abroad that because London happened to be taken England must therefore be considered as lost. The Commission of 1859 was composed of most able military and scientific authorities, and their recommendations had, on the whole, been carried out very well, although there was one point in their Report which had not, perhaps, been attended to—the establishment of a central Arsenal. In the first part of that Report they referred to Woolwich—the great depôt of our munitions of war—as a place of the most vital importance. The Government in which Lord Herbert was Secretary of State for War deemed the matter to be of such moment that a second Instruction was given to the Commission, to report specially with reference to the question of a central Arsenal, and in the third paragraph of the Report they stated that it was impossible to render Woolwich safe against attack without such an outlay of money as they did not feel justified in recommending. The advantages of Woolwich were, first that it existed, and secondly that it was easy of access for the distribution of stores; but there was the disadvantage that if it was easy of access to us, it would also be so to an enemy. Taking all those circumstances into consideration, he must say he was rather surprised at the boldness of the hon. Member for Greenwich (Mr. Boord) in putting on the Paper an Amendment which challenged the Motion on the Report of that Commission; but, at the same time, he must say that he was eager to hear the arguments that would be brought forward by the hon. Member, as he thought they would be somewhat curious in their bearing upon the matter. The question, he might add, as to the distribution of stores was nothing as compared with the enormous importance of the whole subject in

a strategic point of view. He did not propose that all the stores should be removed from Woolwich; on the contrary, he was of opinion that stores from other quarters might with advantage be shifted there. For instance, the Clothing department at Pimlico, and the India Store department might be conveniently transferred to Woolwich, and in that way two valuable sites in London would be set free to be turned to other uses. He would now pass to the question of site, regarding which he would merely say that he did not commit himself to any particular locality. The Report of the Commission, however, had dealt pretty conclusively with the subject, and there were two sites prominently mentioned as being suitable for the purpose. The first was Cannock Chase, which, from its position in connection with railways and canals, was perfectly suitable for the purpose. The recent discovery of minerals, however, under that estate, and certain other circumstances which had come to light since the Report was presented, led the Government not to look so favourably on that site as they had done before. But there was another which appeared to him more than any other to meet the general requirements of the case, and that was the site which had been also under the consideration of the Government—namely, Ilkley, not far from Leeds. There a tract of land of some 7,000 acres in extent could be purchased for a moderate sum. But there were several other sites which would be suitable. In fact there were in this respect an *embarras de richesses*. The Government, also, had it under consideration to render more perfect the gun-wharves or small arsenals at Plymouth and Portsmouth. He had no objection to offer to that, for it was a very good thing to do; but, supposing it done, it would not meet the requirements of the case. He came now to the question of cost. Engineers had a rough-and-ready rule of thumb for estimating the cost of a building at so much per cubic foot. A fair estimate for such iron buildings as there were at Woolwich would be 3*d.* a cubic foot, and for the brick buildings 5*d.* There were in the Arsenal approximately 40,000,000 cubic feet of building, 15,000,000 of iron, and 25,000,000 of brick; and if these figures were multiplied respectively by three and five we should get a rough

were absent from Ireland, and who had no knowledge whatever of those outrages? It was rather hard to say to the landlord that he must live in Ireland and be shot, or be an absentee and be fined. Moreover, the question of putting a tax on absenteeism could not be fairly raised on an Amendment to a Peace Preservation Bill.

MR. MACDONALD concurred in the remarks which had fallen from the hon. Member near him (Mr. Fawcett), and hoped the hon. and gallant Mover of the Amendment would press it. He thought that the Bill, in the present state of Ireland, was totally unneeded; and that it treated Ireland in an exceptional manner, and one which would not be submitted to by the people of England or the people of Scotland. With regard to absentee landlords, he thought that if they were not living in Ireland then they ought to be there, and if they were there, then, in his opinion, this Bill would not be necessary. He further thought that many hon. Members on that side of the House showed a want of interest in the Bill. The hon. Member for Carlisle (Sir Wilfrid Lawson) had some time ago appealed to the natural Leader of the Liberal party in that House. He thought the hon. Member might have better said the artificial Leader, for he (Mr. Macdonald) had noticed with regret that the front Opposition Benches had been empty night after night, during the discussion on the clauses of a Bill dealing with the liberties of an illustrious people.

MR. M'CARTHY DOWNING said, he was glad to see that the front Opposition Benches had a number of occupants that night, which contrasted with their vacant state at previous sittings when the liberties of Ireland were being dealt with. He asked why the landlords who resided in the district referred to should not pay their portion of the tax. Twenty years ago a tenant took his land, having to pay the ordinary cess, but never contemplating the occurrence of agrarian outrages and his having 2s. or, it might be, 5s. in the pound added to his rent, because of outrages committed by persons having no connection with the district. Could hon. Members opposite say conscientiously that such a law as that ought to be enacted? The hon. Member opposite (Mr. Butler-Johnstone) had spoken of the hardship of resident landlords being shot, or absentees being fined.

Mr. Butler Johnstone

It could not be said by hon. Members acquainted with Ireland that the bulk of the farmers resident in the neighbourhood where agrarian crime was committed were not loyal subjects. The landlords ought to pay their portion of this tax, unless the House was prepared to brand the whole population of a district as persons who were disloyal and who participated in crime.

THE O'CONNOR DON said, he could not vote for the Amendment of the hon. and gallant Member for Galway. If the tax were a part of the ordinary expenditure, incurred in carrying out this Act, he would agree that it ought to be paid share and share alike by the owner and occupier; or if this were a permanent Act he should vote for the Amendment. But this was not the case; the tax was justified on the ground that a certain class of occupiers in Ireland had a sympathy with particular descriptions of crimes. Starting from that assumption, and deciding, as they had done, that this tax was to be levied upon this particular ground, it was absurd to argue that it should be extended to the owners as well as occupiers. When they talked about absentee owners, he would remind them that the good landlords who lived in the country, and whose example led to its peace and prosperity were just as much owners as the absentees, and that a tax on the owners of property would just as much affect those who were residents as those who were absentees. Indeed, it seemed to him that this question of absenteeism had nothing to do with the subject. If it were right to tax the owner, it would be equally right to tax the absentee or the resident; but he denied that any justification could be offered for taxing the owner. The point was, were they going to extend this tax to a class with respect to whom it would be absurd to say that they had any sympathy with these crimes, or that they refused to aid in bringing the criminals to justice? If Parliament recognized the principle, he feared the result would be that the tax would become permanent, and he consequently felt himself bound to vote against the Amendment. The right hon. Gentleman the Chief Secretary for Ireland told the Committee that he intended to propose an Amendment which he (the O'Connor Don) thought was an extremely good one—namely, that the tax should not be imposed, unless there was some proof

But he would remind the Committee that their discretion was under the guidance of the Act, for they were directed to assess the amount according to rank. They could not help it. What he proposed was that this compensation might vary, but that the punishment inflicted on individuals should not vary or be determined by the rank or position in life of the person maltreated or murdered. Of course, in one case the area would have to be more extensive than in the other. In that rough-and-ready kind of justice—if it could be called justice—borrowed from barbarous times, every feature of it would not bear to be too nicely examined; but he was anxious that the law should not bear cruelly upon innocent people, and that it should not be so manifestly unfair as to awaken indignation and disgust. The kind of evidence produced before Grand Juries in these cases was very curious. The first question they had to consider was whether the outrage was agrarian, and how was that done? Evidence was tendered that the murdered man had made himself most unpopular; had gone to law with his neighbours, and was generally detested in the district. The Committee would observe that this was necessary, in order to give plausibility to the charge of agrarian combination. In fact, the old generous maxim was totally changed, for here it was *de mortuis nil nisi malum*. All the quarrelsomeness and supposed tyranny of the deceased was raked up; and so, because the people disliked him, the murder was pronounced agrarian. The police, in the next place, testified that the people of the district showed no regret at the occurrence, and would give no information, either as to the identity or whereabouts of the murderer. Nine-tenths of them probably knew no more about it than any persons living 1,000 miles away; and yet they were to be fined to the very blanket upon their beds, and to the very skin of their teeth, until they were driven to despair and to the Union workhouse. He had heard of two small farmers who had been at the Scotch harvest, and they came home to find themselves assessed at 4s. in the pound for a crime they had no more to do with, either in act or sympathy, than they had with the death of Julius Cæsar. The thing was not right. The hon. Member for Louth (Mr. Sullivan) read to the Committee last Monday a letter written

by a highly respected and much esteemed solicitor in Coleraine—a sound Conservative—in which letter the hardships of a case in County Derry were detailed. A small townland has been assessed for the murder of Stephen Church in a sum amounting to nearly 4s. in the pound for 10 years. He believed the Grand Jury of Londonderry to be as just and merciful a body as was to be found in Ireland; but when he found gentlemen whose honour and sense of justice he knew and confided in, making what he called a grievous mistake like that he could not, without remonstrance, assent to the continuance of an oppressive law. If he had mentioned the wrong limit in the Amendment he could compromise it, but he wanted a limit to be imposed. It was a penal question, and he was asking nothing new when he asked that juries and Judges should know how far they went in awarding punishment. He now moved the Amendment.

Amendment proposed,

In page 4, line 10, at the end of the Clause, to add the words “Provided always, That the whole sum so presented and affirmed shall in no case exceed a rate of one shilling in the pound for one year upon the valuation of the district charged with the same.”—(Mr. Richard Smyth.)

SIR MICHAEL HICKS - BEACH said, he did not know for what reason the hon. Gentleman had suggested 1s. in the pound as the extreme limit. If it were the limit, many cases might arise where the tax would fail of its purpose, as so small a rate in the pound would hardly be felt as a fine, and the amount raised on a district of low valuation or limited area would be so small as to afford but little compensation to the persons injured. It would be far better to adhere to the principle adopted by the late Government when they made the proposal in the Bill of 1870. The late Government left the matter in the hands of the Grand Jury subject to the sanction of the Judge. The Bill now before the Committee made the same proposal, but care was taken that both the Grand Jury and the Judge should have all the circumstances of the case before them. Besides, the Judge would also have before him under the Bill the valuation of the district, the number of instalments by which the amount assessed would have to be levied, the amount of rate necessary, and other important particulars. If, in addition, it were pro-

they would commit one of the worst mistakes that a Legislature could commit, because they, a Legislature of land-owners, were about to draw the line of sympathy with crime at their own doors.

MR. CLIVE explained that in the case referred to, he was one of the magistrates before whom the inquiry was conducted. Two persons, one of whom was his agent, were travelling along the road, one of them was fired at. The face of the man who fired was blackened, and as soon as he fired he disappeared among the mountains. Even if he could have been found, the person at whom he shot would not have been able to recognize him. The Committee had already decided upon this matter, and he thought bringing it again under the consideration of the House was merely conducive of delay.

MR. COLLINS contended that the tenants, as a class, were equally incapable with the landlords of being associated with crime. He supported the Amendment on the ground that the remarks of the hon. Member for Hackney (Mr. Fawcett) carried conviction with them.

MR. CALLAN, who also supported the Amendment, observed that he thoroughly detested the Bill in every form and shape. His principal objection to the clause was the narrow area of taxation, and he did not see why, if the tenant-farmers suffered, the landlords should not suffer also. He repudiated altogether any sympathy on the part of the tenant-farmers with crime. He must again repeat his statement of the other night that the notorious Ribbon leader, Captain Duffy, had been released on a petition signed by the Westmeath magistracy.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 104; Noes 260: Majority 156.

MR. R. SMYTH moved, as an Amendment, in page 4, line 10, at end, add—

"Provided always, That the whole sum so presented and affirmed shall in no case exceed a rate of one shilling in the pound for one year upon the valuation of the district charged with the same."

The hon. Member said, that he had no intention of re-opening the question of compensation for murder, or for personal injuries, as the Committee had already affirmed the principle in the vote upon

Mr. Sullivan

the Amendment of the hon. Member for Roscommon (the O'Connor Don); but assuming that the principle was right, very great hardship and even oppression might be incidental to its application. The right hon. Gentleman the Chief Secretary for Ireland had very properly pointed out the other night, that there was a double element or object in the assessment under this clause for compensation. In the first place, there was the element of restitution for damage done to a person or a family; and, in the second place, there was the deterrent object on which the right hon. Gentleman laid the main stress. Now, so far as the first consideration was concerned, a sliding scale as to amount might be quite defensible, and they might justly say that it was the right thing to appraise a man's money or value by his rank or position in life. In the case of death or injury on a railway, Judges and juries constantly made this distinction, and he had nothing to say against it. But when they came to the second and main object of the assessment, how did the present or the proposed law work? An under-bailiff or small farmer was murdered, and the Grand Jury presented, say, £100 as compensation to be levied off a certain district. But suppose it was an agent that was murdered, the Grand Jury would present at least £500, perhaps, £1,000, and it was to be levied off the same area, and from the same occupiers. Now, if it was an impression that they wanted to produce by the severity of the impost, clearly they were more anxious to deter the people from murdering persons in high rank, than from murdering those in low rank. When guilt was proved before a Judge, the same punishment was dealt out for slaying a peasant and for slaying a nobleman; but when the guilt was not proved at all, but there was only a suspicion that there was sympathy with the guilty, they proportioned the punishment according to the rank of the victims. He could not imagine any reasonable defence of such a proportion. They had a right to protect the lives of the poor as carefully as they did the lives of the rich. He did not wish to influence popular passion by dwelling on that most objectionable form of class legislation; but if he did not, other people assuredly would. He might be told that the Grand Jury and the Judge would see that no injustice was inflicted.

But he would remind the Committee that their discretion was under the guidance of the Act, for they were directed to assess the amount according to rank. They could not help it. What he proposed was that this compensation might vary, but that the punishment inflicted on individuals should not vary or be determined by the rank or position in life of the person maltreated or murdered. Of course, in one case the area would have to be more extensive than in the other. In that rough-and-ready kind of justice—if it could be called justice—borrowed from barbarous times, every feature of it would not bear to be too nicely examined; but he was anxious that the law should not bear cruelly upon innocent people, and that it should not be so manifestly unfair as to awaken indignation and disgust. The kind of evidence produced before Grand Juries in these cases was very curious. The first question they had to consider was whether the outrage was agrarian, and how was that done? Evidence was tendered that the murdered man had made himself most unpopular; had gone to law with his neighbours, and was generally detested in the district. The Committee would observe that this was necessary, in order to give plausibility to the charge of agrarian combination. In fact, the old generous maxim was totally changed, for here it was *de mortuis nil nisi malum*. All the quarrelsomeness and supposed tyranny of the deceased was raked up; and so, because the people disliked him, the murder was pronounced agrarian. The police, in the next place, testified that the people of the district showed no regret at the occurrence, and would give no information, either as to the identity or whereabouts of the murderer. Nine-tenths of them probably knew no more about it than any persons living 1,000 miles away; and yet they were to be fined to the very blanket upon their beds, and to the very skin of their teeth, until they were driven to despair and to the Union workhouse. He had heard of two small farmers who had been at the Scotch harvest, and they came home to find themselves assessed at 4s. in the pound for a crime they had no more to do with, either in act or sympathy, than they had with the death of Julius Cæsar. The thing was not right. The hon. Member for Louth (Mr. Sullivan) read to the Committee last Monday a letter written

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Amendment proposed,

In page 4, line 10, at the end of the Clause, to add the words "Provided always, That the whole sum so presented and affirmed shall in no case exceed a rate of one shilling in the pound for one year upon the valuation of the district charged with the same."—(Mr. Richard Smyth.)

SIR MICHAEL HICKS - BEACH said, he did not know for what reason the hon. Gentleman had suggested 1s. in the pound as the extreme limit. If it were the limit, many cases might arise where the tax would fail of its purpose, as so small a rate in the pound would hardly be felt as a fine, and the amount raised on a district of low valuation or limited area would be so small as to afford but little compensation to the persons injured. It would be far better to adhere to the principle adopted by the late Government when they made the proposal in the Bill of 1870. The late Government left the matter in the hands of the Grand Jury subject to the sanction of the Judge. The Bill now before the Committee made the same proposal, but care was taken that both the Grand Jury and the Judge should have all the circumstances of the case before them. Besides, the Judge would also have before him under the Bill the valuation of the district, the number of instalments by which the amount assessed would have to be levied, the amount of rate necessary, and other important particulars. If, in addition, it were pro-

vided that the Grand Jury should be satisfied that material evidence was being withheld, he thought the matter would be placed on a proper footing. He thought it better that the matter should, with these safeguards, be settled by the local authorities, than that they should now adopt any off-hand proposals for dealing with the question.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 87; Noes 269: Majority 182.

MR. FAY moved, as an Amendment, in page 4, line 10, to insert after "appeals"—

"Provided always, That, notwithstanding anything hereinbefore contained, there shall be such right of traverse of any such presentment as is given in respect of malicious injuries in the Act of 6 and 7 William IV., chapter 116."

He contended that they would brand the juries of Ireland with complicity with criminal outrages if they did not admit that those juries were willing to allow compensation to the relatives of those who had suffered from such outrages. Proceedings in Grand Jury rooms in reference to these matters were not always conducted in a very correct manner, and he thought that the ratepayers should have the right to appeal to a common jury in matters wherein they felt aggrieved and that a wrong decision had been arrived at.

Amendment proposed,

In page 4, line 10, after the word "appeals," to insert the words "Provided always, That, notwithstanding anything hereinbefore contained, there shall be such right of traverse of any such presentment as is given in respect of malicious injuries under the Act of the sixth and seventh of William the Fourth, chapter one hundred and sixteen."—(Mr. Fay.)

MR. GIBSON said, the effect of the Amendment would be to change the existing tribunal, which had been existing and working ever since the year 1870. It had been appointed by the Peace Preservation Act of 1870 to work out this compensation system. Indeed, he could not imagine a more satisfactory tribunal than the present one, as it consisted of the gentry and those who had the largest interest in the county in every way. All the witnesses were examined before it, and every one of them had an opportunity of stating what he desired in the case; and any ratepayer who had an interest in the matter could, if dissatisfied, take it—before whom? Not

before a petty jury, but before one of Her Majesty's Judges, who listened to all on each side, and, after he had heard all on the one side and the other, affirmed or set aside the decision of the Grand Jury. Now, that was a tribunal that had been in operation for the last five years, and which had, to his (Mr. Gibson's) knowledge, worked well. Yet, while the Judges had power to select a wider area for the incidence of taxation—a power exercised by Baron Dease—once an ornament to this House—it was now sought by the hon. Member to set that tribunal aside and adopt another. Let it also be remembered that it was now asked to pass the present Bill for five years only, and that the existing tribunal, which it was sought by the Bill to continue, had been in operation five years. He hoped the Committee would decide in favour of the appeal to Her Majesty's Judges and against the Amendment of the hon. Member.

MR. BIGGAR said, the hon. and learned Member who had just addressed the House asserted that the decisions of Her Majesty's Judges had given great satisfaction; but he (Mr. Biggar) believed the contrary, and he considered the adoption of power of appeal to a common jury desirable.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 61; Noes 221: Majority 160.

CAPTAIN NOLAN moved, as an Amendment, in page 4, at end of clause, to add—

"And he may also determine that such sum shall be levied from the poor rates instead of from the county cess, and award accordingly."

The Government could not call this a revolutionary Amendment, as it merely permitted the Judge to levy half the burden on the landlord and half on the occupier, instead of placing the whole rate on the occupier. The occupiers of the land might not know anything of the injury for which the levy was made, and the question was simply one of compensation. He did not think the proposal was very revolutionary. The Judges might, in certain cases, be of opinion that there had been remissness on the part of the magistrates, and that they should bear a part of the compensation. In such cases the charge ought most certainly to be divided between the landlord and the occupier.

Sir Michael Hicks-Beach

SIR MICHAEL HICKS - BEACH said, the Committee having already decided that the monies necessary to provide compensation should be levied upon the county cess, he could not accept a proposal which would put it within the power of the Judges to override the decision of Parliament.

MR. O'SHAUGHNESSY contended that there was nothing in the decision referred to by the Chief Secretary to prevent the Committee acceding to the proposal of the hon. and gallant Gentleman the Member for Galway. Nothing could be more unjust than to charge the tenantry of a district with the compensation for an outrage in which they manifestly had no part.

MR. M'CARTHY DOWNING, though he thought his hon. and gallant Friend had the best of the argument, advised the withdrawal of the Amendment, on the ground that they could not at that period of the evening hope to obtain a better division than had already taken place.

MR. BIGGAR trusted the hon. and gallant Gentleman would press his Motion.

CAPTAIN NOLAN said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. M'CARTHY DOWNING said, he had now to move an Amendment, which was essentially different from that of the hon. and gallant Member for Galway. The Amendment was this—that, inasmuch as under the 138th section of the Grand Juries Act the Judges had had the power, in the traverse of a presentment, to call a jury to their aid, they should also have the power of calling a jury to assist them, not for the purpose of saying that a malicious outrage was not an agrarian crime, or that there should be no assessment at all, but simply to determine what should be the area over which the taxation should extend, and also to vary the amount of the award. He proposed that the jurors should not be fewer in number than five nor greater than nine. It would be much better that any presentment for agrarian crime should be made over the whole county instead of upon so limited an area.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, this was decidedly a less objectionable

Amendment than the one that had recently been rejected. Parliament, however, had deliberately adopted the opposite procedure, and, as it had worked well and the principle had just been re-affirmed by the Committee, he would ask the hon. Gentleman not to press his Amendment to a division.

MR. O'SHAUGHNESSY, for the sake of consistency, must join in the appeal to his hon. Friend to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

On Question, That the clause, as amended, be agreed to?

THE O'CONOR DON asked when the Chief Secretary for Ireland would make the promised additions to the clause?

SIR MICHAEL HICKS - BEACH thought they would be most conveniently made on the Report.

MR. BIGGAR said, it was his duty to oppose the clause, as it was wholly incomprehensible. The Amendments to the clause were numerous, and it was desirable that the Committee should have them in a comprehensive form before the clause was agreed to. No one seemed to understand the clause. Indeed, he would undertake to say that there not half-a-dozen Members who were clearly acquainted with its meaning.

MR. BUTT desired to know if he rightly understood the change which had been made in reference to the search for arms? The original Act authorized the issue of general warrants, and since 1870, practically, the law had been to give the police the power to make domiciliary visits. These warrants, as he now understood the Chief Secretary, were not being renewed throughout the proclaimed districts of Ireland, but only in those places or parts where the importation of arms was feared. [SIR MICHAEL HICKS-BEACH assented.] That being the case, he could only say it was a great amelioration of the condition of the Irish people; and he desired to know now if there would be any objection, when these warrants became necessary, to have a magistrate's signature attached to them.

SIR MICHAEL HICKS - BEACH said, the hon. and learned Member had correctly appreciated the state of affairs which existed. In certain parts of Ireland general warrants were in force, but he could not name the places publicly.

No change had been made in the form of the warrant, and, generally speaking, no warrants for searches were issued without the places being specified.

Mr. BUTT was glad to find that general warrants were not issued, except in special cases; but still, the general warrant was legally in force.

Clause, as amended, *agreed to*.

Clause 4 (Continuance of 2 & 3 Vict. c. 74, as amended by 11 & 12 Vict. c. 89).

Mr. BUTT moved, as an Amendment, in page 4, in line 17, the omission of the words, "as amended by the Act passed in the Session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, chapter seventy-nine." The effect of the Amendment would be to exclude from the operation of the present Bill a power which was no longer required—namely, that of entering a meeting held for a seditious or treasonable purpose and seizing papers, and of remaining there as long as was thought fit. Such a provision might be suited for 1848, but it was altogether uncalled-for now as regarded any part of Ireland.

Amendment proposed,

In page 4, line 17, to leave out the words "as amended by the Act passed in the Session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, chapter seventy-nine."—(*Mr. Butt.*)

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, the Government could not accept the Amendment. He was not prepared to admit that the provision referred to was wholly uncalled-for. A statement had been made and repeated more than once in the course of the debate which he would take this opportunity to correct. The noble Lord the Member for Westmeath (Lord Robert Montagu) without, of course, wishing to misrepresent him (the Solicitor General for Ireland) had said that he had stated in his speech on the second reading of the Bill, that the Fenian conspiracy was now of the least importance. What he said was that three evils were to be guarded against by this Bill, and the least of the three was Fenianism; but he had never said that this conspiracy which was in full force so short a time ago had lost its importance.

Sir Michael Hicks-Beach

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 101; Noes 68: Majority 33.

Mr. M'CARTHY DOWNING said, he had an Amendment on the Paper, altering the year when the operation of the clause should expire from 1880 to 1876; but with the permission of the House he would withdraw it, as the question which it involved was one which had already been discussed and disposed of.

Amendment, by leave, *withdrawn*.

CAPTAIN NOLAN moved, as an Amendment, that "1877" should be substituted for "1880."

Amendment proposed, in page 4, line 21, to leave out the word "eighty," and insert the words "seventy-seven."—(*Captain Nolan.*)

SIR MICHAEL HICKS-BEACH agreed with the hon. Member for the county of Cork (Mr. M'Carthy Downing) in thinking that this was a matter which had already been disposed of.

Mr. BUTT maintained that it was quite a different question, the former decision having reference to the powers relating to arms.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, the principle had been affirmed on three separate occasions.

Question put, "That the word 'eighty' stand part of the Clause."

The Committee *divided*:—Ayes 87; Noes 85: Majority 2.

Mr. MITCHELL HENRY said, he wished to call the attention of the Chairman to a matter connected with the closing of the door of the House at the time of a division. He had noticed on several occasions lately that there appeared to be a want of harmony between the running out of the sand and the closing of the door. If a Rule of the House required that the door should be shut whenever the sand in the glass had run out, he had no doubt the Chairman would take care that it should be strictly enforced. In discussions like the present—discussions in which Irish Members felt so strongly—it was extremely important that there should be

the utmost accuracy in the observance of the rules relating to divisions.

THE CHAIRMAN: The hon. Member for the county of Galway is perfectly right in assuming that the moment the sand in the glass has run out the ringing of the bell ought to cease and the door ought to be closed. I have always risen in my place at that moment for the purpose of showing that the door ought then to be shut. It has, however, happened sometimes that, owing to a crowd of Members rushing in, it has been difficult to carry out the Rule with the utmost precision. My attention was privately called to the matter yesterday, and I at once put myself in communication with the Sergeant-at-Arms in order to secure that, as far as possible, the door should always be closed at the proper moment.

CAPTAIN NOLAN, as he was at the door, wished to say that he thought everything there on the last occasion was conducted with perfect fairness towards both sides. On other occasions, two or three days ago, he might have complained of what occurred.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, he wished to move the Amendment which stood on the Paper in his name. As originally drawn, the clause proposed to exempt the Odd Fellows and Free Foresters from the operation of the statute against unlawful societies; but after further consideration of the matter, the Government had come to the conclusion that it would be better to follow as closely as possible the words of the Friendly Societies Act for England, a course which would have the advantage of placing the law of both countries more nearly on the same basis and also of including within its protection other friendly societies besides the Free Foresters and Odd Fellows. He begged therefore to move, in page 4, line 21, to leave out from after "eighty" to end of Clause, and insert—

"But the provisions of the said Acts shall not extend to any society now established, or hereafter to be established, under the statutes regulating Friendly Societies, or to any meeting of the members or officers thereof, in which society, or at which meeting, no business whatever is transacted other than that which, directly and immediately, relates to the objects of the society as declared in the rules thereof, and set forth in the certified copy thereof: Provided, That the trustees or other officers of the society, when re-

quired under the hands of two of Her Majesty's justices of the peace, shall give full information to such justices of the nature, objects, proceedings, and practices of such society; and, in default thereof, the provisions of the said Acts shall be in force in respect of such society."

MR. WILLIAM JOHNSTON said, that, when it was first proposed to exempt by name the Free Foresters and Odd Fellows, he had put on the Paper an Amendment to exempt another society in which he was interested—namely, the Orangemen, who were entitled to equal privileges with those other associations; but the Amendment just moved by the hon. and learned Solicitor General for Ireland deprived him of the opportunity of moving his own Amendment. He certainly would not claim for the Orangemen a privilege that he would not extend to other societies. At the same time, he was not prepared to admit the illegality of the Orange Society, still less could he for a moment allow that the aims of that institution should be put on a par with those of the Ribbon Society. The Ribbon Society had for its object murder and assassination; whereas the Orange Society had for its object the maintenance of the Protestant religion, the support of the rightful Sovereign, and the upholding of the laws of the Realm, the Legislative Union, and the succession to the Throne in the House of Brunswick being Protestant. It was composed exclusively of men who were attached to the principles of the Reformation and averse from religious persecution. He knew it had been the custom to malign the Orange Society, and he did not pretend that every member of it was individually infallible; but he asserted that it had a noble purpose, and one with which every loyal citizen of the Empire should sympathize.

SIR GEORGE BOWYER said, the hon. and learned Solicitor General for Ireland had implied that Foresters and Oddfellows came within the provisions of the Acts against illegal oaths. He was informed that the Foresters took no oaths, and he knew the Oddfellows did not; and he therefore wished for some explanation on this point.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, that last year it was suggested that a clause should be introduced to prevent the possibility of these societies being exposed to penalties under the Unlawful Oaths

Acts. The Friendly Societies Act (1855) provided an exemption in favour of these societies only against the Unlawful Oaths Act—the 14 & 15 *Vict.* c. 48—then in force in Ireland, but long since spent. As it was intended by this Bill to continue the measures against unlawful oaths it was thought desirable to renew the exemption, and he had done so as nearly as possible in the words of the English Friendly Societies Act. There was no insinuation that these societies were conducted in such a way as willingly to expose themselves to the provisions of the Unlawful Oaths Acts.

MR. BUTT said, it was the misfortune of his hon. and learned Friend to mislead the Committee when he addressed them on this Bill. This Bill had no more to do with unlawful oaths than any Bill which had been introduced by the Government; but it was a Bill to prevent the use of signs and passwords in Ireland. Now, any society in England could have signs and passwords; then why should there be a law against the use of such things in Ireland? Although he did not intend to oppose the clause, he thought that this legislation against signs and passwords was most absurd and childish.

Amendment agreed to.

MR. GIBSON proposed, as an Amendment, to add to the end of the clause the following words:—

“Provided always, That all Freemasons or Friendly Brothers who have by reason of inadvertence or neglect not heretofore complied with the directions contained in the second section of the said Act of the second and third Victoria, chapter seventy-four, shall be, and they are hereby indemnified, freed, and discharged from all penalties incurred by reason of any such inadvertence or neglect: And inasmuch as certain associations of Freemasons exist which according to the rules and usages of the said society are not denominated lodges, but are designated councils, chapters, colleges, priories, preceptories, or otherwise, it is hereby enacted that any person making any such certificate upon oath as in the second section of the said Act of the second and third Victoria, chapter seventy-four mentioned, shall be at liberty to designate in such certificate the society, the holding whereof shall be therein certified by the name or designation by which it is usually distinguished according to the usage of the said society of Freemasons: Provided also, That if any such certificates shall be duly registered within one year after the passing of this Act, it shall not be necessary in any succeeding year to register with the clerk of the peace the name or denomination of any branch of the said societies of Freemasons, or the usual place or places,

or the time or times of its meetings, or the names or descriptions of the members thereof, anything in the said Act of the second and third Victoria, chapter seventy-four, to the contrary notwithstanding.”

Some hon. Member had on another occasion referred to the fact that the Lord Lieutenant was a Mason. This was true. He belonged to the Grand Lodge, which had been duly registered according to the requirements of law. [MR. CALLAN: Since when?] Since the Lord Lieutenant had been a member of the lodge it had been registered, and therefore his Excellency was in no sense open to any imputation of acting in violation of the law. The Masons were a charitable body, and everyone knew that both the Masons and the Friendly Brothers, if they were proud of anything, were proud of their loyalty. Owing to negligence or inadvertence, however, the secretaries of the various divisions had omitted to perform the necessary work, and the result was, as had been stated in the Amendment, that these loyal and charitable bodies had not entirely complied with the requirements by which they were to be exempted from the purview of the statute. The Amendment was intended to exempt those bodies from the penalties they had incurred. He himself had the honour to belong to both of the societies, and he was not sure whether he was not within the purview of the Acts.

LORD ROBERT MONTAGU rose to Order. He had listened to his hon. and learned Friend, as he did not care to interrupt him whilst he was speaking, but he wished to put it to the Chairman whether the clause could be proposed. In Sir Erskine May's book, page 502, it was stated that—

“No amendment could properly be proposed to a clause irrelevant to the matter of that clause,” and “If a clause or amendment irrelevant to the subject-matter of the Bill be offered, the Chairman will decline to put the question.”—[pp. 502, 507.]

Well, the title and scope of the Bill were utterly alien to the subject-matter of this clause. It was a Bill to continue certain Peace Preservation Acts in Ireland; it was a Bill imposing Pains and Penalties on Ireland; but this clause was to indemnify certain rich persons from the penalty of felony which they had incurred. In the next place, they had incurred that penalty under an Act which was not embodied in this Bill,

the 50th *Geo. III*; and, thirdly, this Bill was only a temporary Act, whereas the effect of the Amendment would not be temporary; it would extend to all time. The scope of the Amendment and the Bill, therefore, were not identical. It would be a great misfortune if that House should send to Ireland a Bill of most severe Pains and Penalties, which contained within it a clause of indemnity to certain rich persons, while inflicting penalties on the poor.

MR. MELDON also rose to Order. He wished to know whether an hon. Member who admitted that he was himself liable to the penalty of felony could come to that House and ask to be relieved of it?

MR. GIBSON would admit that perhaps he might be out of Court on that score; but he had been extremely cautious when he stated that he belonged to these bodies, for he had said that he was not "sure" that he was affected. In answer to the noble Lord, he might say that the Masons were not all rich, for the members of that body did not belong to any particular class; therefore, it was a mistake to say that the clause was to indemnify the rich. The only qualifications absolutely insisted on were loyalty and adherence to all the ordinary dictates of Christian charity. He submitted that the Amendment was perfectly relevant to the Bill, for he only wished by his clause to amend the Acts as they were recited in the Preamble.

MR. CALLAN asked whether it was consistent with the Rules of the House that a Member should vote on any matter in which he was personally interested?

MR. GIBSON said, he did not positively know that he was personally interested in the matter.

THE CHAIRMAN said, that the Standing Order to which reference had been made by the hon. Member for Dundalk (Mr. Callan) related to the case of Members who had a pecuniary interest in the matter before the House. He believed that on a former occasion exception had been taken to a Member of the House taking part in the discussion of a case in which he was exposed to a penalty; but the Member having stated in his place that he had received no Notice, it was ruled that he was entitled to address the House. The points raised by the noble Lord the Member for Westmeath were much more important. The

first objection was that the Amendment was not within the scope and title of the Bill. That would have been a perfectly valid objection up to the year 1854, when this House adopted a new Standing Order, that any Amendment might be introduced which was relevant to the subject-matter of the Bill; and it was no longer enough to say that the Amendment was not within the scope of the Bill. Of course, it would follow, if such an Amendment were adopted, that the Preamble and Title of the Bill should be amended accordingly. The point, therefore, to be decided was as to the relevancy of this Amendment. Now, though he had for a moment entertained some doubt on the subject, he could not undertake to say that this Amendment was irrelevant. He might, perhaps, point out that some of the words had been embodied in the clause, which had been, however, struck out in order to introduce other words, by which there had been conveyed a somewhat similar exemption. These words stated that the said Act should be so construed as if the provision extended to Foresters and Odd Fellows. It was therefore intended by the framers of the Act that it should have a retrospective effect as far as freeing certain persons from the penalties imposed by the Acts which it amended. Another objection was that there was no mention of the 50th *Geo. III.* within the four corners of the Bill. But he would call attention to the wording of this particular clause, which stated that it was—

"An Act to extend and render more effectual the Act passed in the reign of His Majesty George IV. (to amend an Act passed in the 50th year of His Majesty George III.), as amended by an Act, the 2nd and 3rd of Her Majesty."

Therefore, it appeared to him, that a clause containing this Act of George IV. might be described as amending the Act of George III. That Act of George IV. exempted Masonic lodges from certain penalties attaching to them, and he could not see that an Amendment further extending the mitigation provided by the Act of George IV. to the Masonic body in Ireland was irrelevant. Therefore, having given the best consideration in his power to the important points raised by the noble Lord, he considered the Amendment in Order, and could not refuse to put it from the Chair.

Amendment proposed,

At the end of the Clause, to add the words "Provided always, That all Freemasons or Friendly Brothers who have by reason of inadvertence or neglect not heretofore complied with the directions contained in the second section of the said Act of the second and third Victoria, chapter seventy-four, shall be and they are hereby indemnified, freed, and discharged from all penalties incurred by reason of any such inadvertence or neglect. And inasmuch as certain associations of Freemasons exist which according to the rules and usage of the said society are not denominated lodges, but are designated councils, chapters, colleges, priories, preceptories, or otherwise, it is hereby enacted that any person making any such certificate upon oath as in the second section of the said Act of the second and third Victoria, chapter seventy-four, mentioned, shall be at liberty to designate in such certificate the society, the holding whereof shall be therein certified by the name or designation by which it is usually distinguished according to the usage of the said Society of Freemasons: Provided also, That if any such certificate shall be duly registered within one year after the passing of this Act, it shall not be necessary in any succeeding year to register with the clerk of the peace the name or denomination of any branch of the said Society of Freemasons, or the usual place or places, or the time or times of its meetings, or the names or descriptions of the members thereof, anything in the said Act of the second and third Victoria, chapter seventy-four, to the contrary notwithstanding."—(*Mr. Gibson.*)

LORD ROBERT MONTAGU said, that he, of course, accepted the ruling of the Chairman, and would now address himself to the Amendment. This was not a question whether certain Freemasons were rich and others were poor, but whether Freemasons in Ireland who had contravened the law, and were therefore subject to the heavy penalties of felony, should receive an indemnity under this Bill. It seemed rather hard to impose penalties upon persons who followed the plough in Ireland, and who could not be supposed to be acquainted with laws so complicated and involved, while persons who had much better means of knowing what the law was should receive an indemnity for its transgression. There was a series of Acts, beginning with the 50th *Geo.* III. c. 102, relating to unlawful oaths, and by these Acts Freemasons were clearly felons, and liable to be transported. The 2 and 3 *Vict.* c. 54 made the exemption to which the hon. and learned Member had alluded; but in some respects it was still more strict, as it made every society liable to the penalty whose members were known to each other by secret signs and pass-

words. It exempted the Freemasons on two conditions, and, if these had been complied with, there would have been no necessity for the hon. and learned Member to bring in an indemnity clause. He had moved for a Return, which would be shortly in the hands of hon. Members, and which would show that not a single lodge in Ireland had fulfilled the conditions. The hon. and learned Member had said that the Grand Lodge had done so since the Duke of Abercorn had joined. But the Duke of Abercorn joined at a time when every member of the lodge was a felon. It was a rule of the debates of this House that no Member should, for the purpose of influencing the debates, mention the name of the Sovereign, and therefore it would not be becoming in him to mention the name of one closely related to the Sovereign. He would, however, state that the Papers ordered would show that the Grand Master was his Excellency the Duke of Abercorn, and the Senior Grand Deacon was the Hon. D. R. Plunket, M.P. The question before the Committee then was whether, in a Bill which inflicted Pains and Penalties on poor people in Ireland not guilty of any crime against the law of God, they should, to please the Government, introduce an indemnity clause in favour of the Lord Lieutenant of Ireland, the Solicitor General for Ireland, and others. If a separate Indemnity Bill for the Freemasons were brought in, he did not suppose anyone would oppose it.

MR. CALLAN said, he objected to the proposed clause, on the same ground that he objected to Fenianism, to Manchester murderers, or any other proceedings which violated the law. As to the Friendly Brothers Society, the hon. and learned Gentleman ought to know that no Roman Catholic could be a member of them; but if he would say that the clause he now proposed was to be an Act of Indemnity for himself, he should certainly not move any Amendment; but, if not, he would do so, and divide the Committee upon it.

MR. MACARTNEY said, he was not aware that the Freemasons were an illegal society. They had been recognized in the whole of the Three Kingdoms. It was well known that they were a well-disposed body all over Europe. ["Oh, oh!"] He interpreted the cry of "Oh!" to refer to Italy, but in Italy the King

was at the head of the society. The same was the case in Sweden. In this country the Heir Apparent to the Throne was at their head, and in Ireland their head was the Representative of Her Majesty. It was therefore a pure misrepresentation to say that Freemasons were a secret or illegal body.

MR. SULLIVAN said, he was not a member of the Freemasons' Society, nor did he know what it was. Would any hon. Member tell the Committee why its members were deserving of the exemption it was now proposed to give them? The hon. Gentleman opposite (Mr. Macartney) said the King of Italy was a member, the King of Sweden a member, and so was the hon. and learned Gentleman the Solicitor General for Ireland. Well, was he not at least able to give him (Mr. Sullivan) the information he required? He wished to know what were their rites, rules, and mysteries? The Committee were asked to vote for an exemption blindfold. Prove the merits and qualifications of the order, and if it was to be a benefit to the human race, let the Committee know a little more about it. He wished some "man and brother," if that was the proper phrase, to tell the uninitiated whether they were morally justified in passing a Bill of exemption of this nature. He knew a great many excellent men who were members of Freemasons' lodges, and had nothing to say against them; but he was ignorant of the mysteries of the craft, and he hoped that some Member would get up and tell the Committee all about it.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, there was not, so far as he was aware, any rule in Freemasonry which would prevent the hon. Member for Louth from becoming one of the order. Nor was there any reason why the hon. Member should not become acquainted with all the rites if he saw fit. Only there were certain proceedings of a preliminary character, which, however, were not so formidable as they were supposed to be, and if the hon. Gentleman was disposed to press the matter forward, he should be happy to give him every facility and advantage which lay in his power as a member of the Craft. But the hon. Gentleman must remember it was not they who had dragged this matter forward; it was the ingenuity—the misuse of in-

genuity—of the noble Lord the Member for Westmeath who had discovered that the conditions prescribed by the Act had not been complied with. He confessed, though he (the Solicitor General) had read the statute on the subject, and had almost been brought up a Freemason, he was ignorant until now that all the conditions had not been fulfilled, as had been asserted by the noble Lord. There was no doubt that up to a few years ago all these conditions had been fully complied with, and that they would also be complied with in the future. He need scarcely inform the House that the Unlawful Oaths Acts were as severe in England as in Ireland against the Freemasons, and if the noble Lord extended his research to England he might find omissions here also. He considered the proposal before the Committee a very fair one.

MR. MUNDELLA hoped the Irish Members would not stultify themselves by voting against this Amendment. They were contending for the same rights and privileges as were enjoyed by their fellow-countrymen in England, and how then could they consistently vote for the retention of a coercive clause against a large section of their fellow-countrymen to whom no crime was imputed? Odd Fellows, Freemasons, and Friendly Brothers were under no coercion in England, and why should they be so in Ireland?

MR. MELDON said, he did not think this was an Amendment which ought to provoke mirth in any way. This was a Bill affecting Ireland alone; it was a Bill brought forward for the purpose of coercion; and it was proposed to offer an indemnity only to one particular class—the Freemasons, or, in other words, to the rich of the land. ["No, no!"] He maintained that it was so. He said rich, because 99 hundredths almost of the Irish people believed that the Freemasons Society was an illegal society, and a society of which they ought not to become members. Reference had been made to the Viceroy of Ireland. Well, in his opinion, the appointment of the Viceroy to the head of the Freemasons of Ireland was an insult to 99 hundredths of the Irish people. He could not shut his eyes to the fact that the society in Italy was as atrocious a society as ever existed—he could not shut his eyes to the fact that on a very recent

occasion in this metropolis a deputation waited upon the head of the order in England and was received privately.

Mr. BUTLER-JOHNSTONE pointed out that "Secret Society" was an equivocal term. A society might be called secret because its rites and ceremonies were secret, or else because it was not known who were its members. In the latter sense Freemasonry was not a secret society, for their names were all published; and if the Ribbon Societies would publish the names of their members there would be no objection to them.

Mr. CALLAN moved to omit from the proposed Amendment the words "or the names or descriptions of the members thereof."

SIR PATRICK O'BRIEN said, that although his own religious opinions would not permit him to join a society like the Freemasons, yet he did not see why he should seek to deny to others the privilege of doing so. He would rather exercise that charity in reference to matters of opinion that it was the duty of all of them to inculcate in Ireland. Gentlemen had from inadvertence offended against the law, and when they wished to withdraw from the unfortunate position into which they had got, he should not join in any attempt to prevent them doing so.

LORD ROBERT MONTAGU hoped that there would be no division against the original Amendment, because he thought it would be quite sufficient that they should have protested against the bad taste of the proposed mode of exempting the Freemasons.

Mr. BUTT also thought that it would be unfortunate to have a division upon the question, though the matter was not such a light one as some persons supposed. The question was now not as to unlawful oaths, but as to societies which had "signs and passwords." Such societies were declared illegal, but Freemasons' societies were exempted from the enactment if they performed certain conditions, which in many cases had not been performed. It was certain that there were Masonic lodges in Dublin which had not complied with this absurd legislation. As, however, it was persons of rank and position who had violated the law, the matter was not treated as being at all serious. It would have been better if there had been a clause indemnifying every one who was in a

similar position, and not simply persons who were members of a particular society, because in such a mode of proceeding there would be nothing of an exceptional kind, neither would it tend, as the proposed Amendment did, to make felony appear respectable in the eyes of the Irish people.

Mr. MITCHELL HENRY said, his intention was to vote in favour of liberty and against any restrictions upon the rights of his fellow-subjects. There were, he was aware, societies that had "secret signs," and there was a society called the "Catholic Union Society," but he did not know whether that society had any secret signs or not. ["No, no!"] Well, he did not say that it had; but even if it was proved it had passwords, he would never give a vote which would operate against such a society. He would here say that there ought to be but one law for England and for Ireland.

Amendment (*Mr. Callan*) to said proposed Amendment *negatived*.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 311; Noes 3: Majority 308.

Clause, as amended, *agreed to*.

Clause 5 (Continuance of certain parts of Protection of Life and Property in certain Parts of Ireland Act, 1871.)

SIR JOSEPH M'KENNA, in page 4, line 32, moved, as an Amendment, to leave out "seventy-seven," and insert instead "seventy-six," the object of which was to limit the duration of the Westmeath Act to one year. He did not know that it was necessary for him to enter into any general argument on this question, the subject having been already exhausted. The question for the Committee was whether the renewal of the Act for one year only should be adopted.

Amendment *negatived*.

Mr. BUTT then moved an Amendment to the effect that so much of the Act of 1871 as provided that no writ of Habeas Corpus should issue to bring up the body of any one arrested under it should be repealed. All that could be intended by the measure was that the Lord Lieutenant should have the power of indefinitely detaining a man in custody instead of bringing him to trial at

the next Assizes; but it was unjust and unprecedented that a man so imprisoned should be shut out from his constitutional right to move for a writ of Habeas Corpus to be brought before the Court to obtain its judgment on the legality and sufficiency of the warrant under which he was detained. There was, he contended, no Act previous to the Westmeath Act which took away the right to a writ of Habeas Corpus which existed at Common Law previous to the passing of any statute. That Act, therefore, was in violation of all the usages of English legislation, and he therefore hoped the Amendment would be assented to.

Amendment proposed,

In page 4, line 38, at the end thereof, to add the words "Provided always, That so much of said Act as provides that 'no writ of habeas corpus should issue to bring up the body of any person arrested or committed or detained by force of a warrant issued under the authority of the said Act' shall be and the same is hereby repealed."—(*Mr. Butt.*)

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, the Act in question had been drawn with exceptional severity to meet an exceptional state of things, and carried out in a most complete and accurate way that which was the express intention of the Legislature. The Amendment, if carried, would, to some extent, weaken the effect of the Act, and he should not, therefore, advise the Committee to agree to it. No person arrested under this power would be subjected to unfair treatment, but would be dealt with as an untried prisoner.

SIR GEORGE BOWYER said, the hon. and learned Member had altogether failed to meet the constitutional argument raised by the hon. and learned Member for Limerick. He (Sir George Bowyer) wished it to be understood, as a matter of Constitutional Law, that the clause did what no suspension of the Habeas Corpus Act ever before effected, because it took away from the subject detained under this Act the Common Law right of Habeas Corpus, and deprived the Sovereign of the right to inquire whether the subject was or was not legally detained. The warrant might be wrong in point of law, yet its legality could not be inquired into. He should, therefore, oppose this unconstitutional provision.

Mr. SULLIVAN was confident that nine-tenths of those whom he addressed were under the impression that the suspension of the Habeas Corpus Act meant no more than that the Lord Lieutenant might detain a man in prison without bringing him to trial; whereas it went further and gave the Lord Lieutenant the power, if necessary, to send a prisoner beyond the jurisdiction of a writ. What his hon. and learned Friend asked was that Parliament should leave untouched the right of the subject to have the legality of the warrant under which he was detained reviewed by one of the Courts of Common Law. Let them confer, if they would, the simple power of detention on the Lord Lieutenant; but let them leave untouched the right at Common Law which existed before the time of Charles II. of challenging the substance of his procedure, and not place the suspension of the Habeas Corpus Act beyond all law, all supervision, and all review. Let them not give to the Lord Lieutenant of Ireland a power which, rather than confer it upon the Monarch of England, they would first take his head. ["Oh, oh!"] They had done so before, and in the history of England there was no constitutional question that had been more fiercely contested in the interests of popular rights. In the present case, while the Act of Charles II., which they so much boasted of, gave an accused person a right to speedy trial, they were by this Act taking away every constitutional right from the Irish people. Such a clause would give the Lord Lieutenant power to inflict torture in the Irish prisons.

Mr. RŌNAYNE appealed to the Leader of the Opposition to give effect on that occasion to the utterance of the late Prime Minister, when a similar Bill was under discussion in a former year, to the effect that he knew not what was worse than tranquillity purchased by the suspension of the Habeas Corpus Act except civil war. Yet this was the state to which they proposed to reduce Ireland, a country which was at peace and free from agrarian crimes.

Mr. M'CARTHY DOWNING reminded the House that in the case of Wolfe Tone, when sentence of death had been passed upon him by a military tribunal for high treason, the Court of Queen's Bench issued its writ of Habeas Corpus—though the Courts had been

vided that the Grand Jury should be satisfied that material evidence was being withheld, he thought the matter would be placed on a proper footing. He thought it better that the matter should, with these safeguards, be settled by the local authorities, than that they should now adopt any off-hand proposals for dealing with the question.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 87; Noes 269: Majority 182.

Mr. FAY moved, as an Amendment, in page 4, line 10, to insert after "appeals"—

"Provided always, That, notwithstanding anything hereinbefore contained, there shall be such right of traverse of any such presentment as is given in respect of malicious injuries in the Act of 6 and 7 William IV., chapter 116."

He contended that they would brand the juries of Ireland with complicity with criminal outrages if they did not admit that those juries were willing to allow compensation to the relatives of those who had suffered from such outrages. Proceedings in Grand Jury rooms in reference to these matters were not always conducted in a very correct manner, and he thought that the ratepayers should have the right to appeal to a common jury in matters wherein they felt aggrieved and that a wrong decision had been arrived at.

Amendment proposed,

In page 4, line 10, after the word "appeals," to insert the words "Provided always, That, notwithstanding anything hereinbefore contained, there shall be such right of traverse of any such presentment as is given in respect of malicious injuries under the Act of the sixth and seventh of William the Fourth, chapter one hundred and sixteen."—(Mr. Fay.)

Mr. GIBSON said, the effect of the Amendment would be to change the existing tribunal, which had been existing and working ever since the year 1870. It had been appointed by the Peace Preservation Act of 1870 to work out this compensation system. Indeed, he could not imagine a more satisfactory tribunal than the present one, as it consisted of the gentry and those who had the largest interest in the county in every way. All the witnesses were examined before it, and every one of them had an opportunity of stating what he desired in the case; and any ratepayer who had an interest in the matter could, if dissatisfied, take it—before whom? Not

before a petty jury, but before one of Her Majesty's Judges, who listened to all on each side, and, after he had heard all on the one side and the other, affirmed or set aside the decision of the Grand Jury. Now, that was a tribunal that had been in operation for the last five years, and which had, to his (Mr. Gibson's) knowledge, worked well. Yet, while the Judges had power to select a wider area for the incidence of taxation—a power exercised by Baron Dease—once an ornament to this House—it was now sought by the hon. Member to set that tribunal aside and adopt another. Let it also be remembered that it was now asked to pass the present Bill for five years only, and that the existing tribunal, which it was sought by the Bill to continue, had been in operation five years. He hoped the Committee would decide in favour of the appeal to Her Majesty's Judges and against the Amendment of the hon. Member.

Mr. BIGGAR said, the hon. and learned Member who had just addressed the House asserted that the decisions of Her Majesty's Judges had given great satisfaction; but he (Mr. Biggar) believed the contrary, and he considered the adoption of power of appeal to a common jury desirable.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 61; Noes 221: Majority 160.

CAPTAIN NOLAN moved, as an Amendment, in page 4, at end of clause, to add—

"And he may also determine that such sum shall be levied from the poor rates instead of from the county cess, and award accordingly."

The Government could not call this a revolutionary Amendment, as it merely permitted the Judge to levy half the burden on the landlord and half on the occupier, instead of placing the whole rate on the occupier. The occupiers of the land might not know anything of the injury for which the levy was made, and the question was simply one of compensation. He did not think the proposal was very revolutionary. The Judges might, in certain cases, be of opinion that there had been remissness on the part of the magistrates, and that they should bear a part of the compensation. In such cases the charge ought most certainly to be divided between the landlord and the occupier.

Sir Michael Hicks-Beach

SIR MICHAEL HICKS - BEACH said, the Committee having already decided that the monies necessary to provide compensation should be levied upon the county cess, he could not accept a proposal which would put it within the power of the Judges to override the decision of Parliament.

MR. O'SHAUGHNESSY contended that there was nothing in the decision referred to by the Chief Secretary to prevent the Committee acceding to the proposal of the hon. and gallant Gentleman the Member for Galway. Nothing could be more unjust than to charge the tenantry of a district with the compensation for an outrage in which they manifestly had no part.

MR. M'CARTHY DOWNING, though he thought his hon. and gallant Friend had the best of the argument, advised the withdrawal of the Amendment, on the ground that they could not at that period of the evening hope to obtain a better division than had already taken place.

MR. BIGGAR trusted the hon. and gallant Gentleman would press his Motion.

CAPTAIN NOLAN said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. M'CARTHY DOWNING said, he had now to move an Amendment, which was essentially different from that of the hon. and gallant Member for Galway. The Amendment was this—that, inasmuch as under the 138th section of the Grand Juries Act the Judges had had the power, in the traverse of a presentment, to call a jury to their aid, they should also have the power of calling a jury to assist them, not for the purpose of saying that a malicious outrage was not an agrarian crime, or that there should be no assessment at all, but simply to determine what should be the area over which the taxation should extend, and also to vary the amount of the award. He proposed that the jurors should not be fewer in number than five nor greater than nine. It would be much better that any presentment for agrarian crime should be made over the whole county instead of upon so limited an area.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, this was decidedly a less objectionable

Amendment than the one that had recently been rejected. Parliament, however, had deliberately adopted the opposite procedure, and, as it had worked well and the principle had just been re-affirmed by the Committee, he would ask the hon. Gentleman not to press his Amendment to a division.

MR. O'SHAUGHNESSY, for the sake of consistency, must join in the appeal to his hon. Friend to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

On Question, That the clause, as amended, be agreed to?

THE O'CONOR DON asked when the Chief Secretary for Ireland would make the promised additions to the clause?

SIR MICHAEL HICKS - BEACH thought they would be most conveniently made on the Report.

MR. BIGGAR said, it was his duty to oppose the clause, as it was wholly incomprehensible. The Amendments to the clause were numerous, and it was desirable that the Committee should have them in a comprehensive form before the clause was agreed to. No one seemed to understand the clause. Indeed, he would undertake to say that there not half-a-dozen Members who were clearly acquainted with its meaning.

MR. BUTT desired to know if he rightly understood the change which had been made in reference to the search for arms? The original Act authorized the issue of general warrants, and since 1870, practically, the law had been to give the police the power to make domiciliary visits. These warrants, as he now understood the Chief Secretary, were not being renewed throughout the proclaimed districts of Ireland, but only in those places or parts where the importation of arms was feared. [Sir MICHAEL HICKS-BEACH assented.] That being the case, he could only say it was a great amelioration of the condition of the Irish people; and he desired to know now if there would be any objection, when these warrants became necessary, to have a magistrate's signature attached to them.

SIR MICHAEL HICKS - BEACH said, the hon. and learned Member had correctly appreciated the state of affairs which existed. In certain parts of Ireland general warrants were in force, but he could not name the places publicly.

No change had been made in the form of the warrant, and, generally speaking, no warrants for searches were issued without the places being specified.

MR. BUTT was glad to find that general warrants were not issued, except in special cases; but still, the general warrant was legally in force.

Clause, as amended, *agreed to*.

Clause 4 (Continuance of 2 & 3 Vict. c. 74, as amended by 11 & 12 Vict. c. 89).

MR. BUTT moved, as an Amendment, in page 4, in line 17, the omission of the words, "as amended by the Act passed in the Session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, chapter seventy-nine." The effect of the Amendment would be to exclude from the operation of the present Bill a power which was no longer required—namely, that of entering a meeting held for a seditious or treasonable purpose and seizing papers, and of remaining there as long as was thought fit. Such a provision might be suited for 1848, but it was altogether uncalled for now as regarded any part of Ireland.

Amendment proposed,

In page 4, line 17, to leave out the words "as amended by the Act passed in the Session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, chapter seventy-nine."—(*Mr. Butt*.)

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, the Government could not accept the Amendment. He was not prepared to admit that the provision referred to was wholly uncalled for. A statement had been made and repeated more than once in the course of the debate which he would take this opportunity to correct. The noble Lord the Member for Westmeath (Lord Robert Montagu) without, of course, wishing to misrepresent him (the Solicitor General for Ireland) had said that he had stated in his speech on the second reading of the Bill, that the Fenian conspiracy was now of the least importance. What he said was that three evils were to be guarded against by this Bill, and the least of the three was Fenianism; but he had never said that this conspiracy which was in full force so short a time ago had lost its importance.

Sir Michael Hicks-Beach

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 101; Noes 68: Majority 33.

MR. M'CARTHY DOWNING said, he had an Amendment on the Paper, altering the year when the operation of the clause should expire from 1880 to 1876; but with the permission of the House he would withdraw it, as the question which it involved was one which had already been discussed and disposed of.

Amendment, by leave, *withdrawn*.

CAPTAIN NOLAN moved, as an Amendment, that "1877" should be substituted for "1880."

Amendment proposed, in page 4, line 21, to leave out the word "eighty," and insert the words "seventy-seven."—(*Captain Nolan*.)

SIR MICHAEL HICKS-BEACH agreed with the hon. Member for the county of Cork (Mr. M'Carthy Downing) in thinking that this was a matter which had already been disposed of.

MR. BUTT maintained that it was quite a different question, the former decision having reference to the powers relating to arms.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, the principle had been affirmed on three separate occasions.

Question put, "That the word 'eighty' stand part of the Clause."

The Committee *divided*:—Ayes 87; Noes 85: Majority 2.

MR. MITCHELL HENRY said, he wished to call the attention of the Chairman to a matter connected with the closing of the door of the House at the time of a division. He had noticed on several occasions lately that there appeared to be a want of harmony between the running out of the sand and the closing of the door. If a Rule of the House required that the door should be shut whenever the sand in the glass had run out, he had no doubt the Chairman would take care that it should be strictly enforced. In discussions like the present—discussions in which Irish Members felt so strongly—it was extremely important that there should be

the utmost accuracy in the observance of the rules relating to divisions.

THE CHAIRMAN: The hon. Member for the county of Galway is perfectly right in assuming that the moment the sand in the glass has run out the ringing of the bell ought to cease and the door ought to be closed. I have always risen in my place at that moment for the purpose of showing that the door ought then to be shut. It has, however, happened sometimes that, owing to a crowd of Members rushing in, it has been difficult to carry out the Rule with the utmost precision. My attention was privately called to the matter yesterday, and I at once put myself in communication with the Sergeant-at-Arms in order to secure that, as far as possible, the door should always be closed at the proper moment.

CAPTAIN NOLAN, as he was at the door, wished to say that he thought everything there on the last occasion was conducted with perfect fairness towards both sides. On other occasions, two or three days ago, he might have complained of what occurred.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, he wished to move the Amendment which stood on the Paper in his name. As originally drawn, the clause proposed to exempt the Odd Fellows and Free Foresters from the operation of the statute against unlawful societies; but after further consideration of the matter, the Government had come to the conclusion that it would be better to follow as closely as possible the words of the Friendly Societies Act for England, a course which would have the advantage of placing the law of both countries more nearly on the same basis and also of including within its protection other friendly societies besides the Free Foresters and Odd Fellows. He begged therefore to move, in page 4, line 21, to leave out from after "eighty" to end of Clause, and insert—

"But the provisions of the said Acts shall not extend to any society now established, or hereafter to be established, under the statutes regulating Friendly Societies, or to any meeting of the members or officers thereof, in which society, or at which meeting, no business whatever is transacted other than that which, directly and immediately, relates to the objects of the society as declared in the rules thereof, and set forth in the certified copy thereof: Provided, That the trustees or other officers of the society, when re-

quired under the hands of two of Her Majesty's justices of the peace, shall give full information to such justices of the nature, objects, proceedings, and practices of such society; and, in default thereof, the provisions of the said Acts shall be in force in respect of such society."

MR. WILLIAM JOHNSTON said, that, when it was first proposed to exempt by name the Free Foresters and Odd Fellows, he had put on the Paper an Amendment to exempt another society in which he was interested—namely, the Orangemen, who were entitled to equal privileges with those other associations; but the Amendment just moved by the hon. and learned Solicitor General for Ireland deprived him of the opportunity of moving his own Amendment. He certainly would not claim for the Orangemen a privilege that he would not extend to other societies. At the same time, he was not prepared to admit the illegality of the Orange Society, still less could he for a moment allow that the aims of that institution should be put on a par with those of the Ribbon Society. The Ribbon Society had for its object murder and assassination; whereas the Orange Society had for its object the maintenance of the Protestant religion, the support of the rightful Sovereign, and the upholding of the laws of the Realm, the Legislative Union, and the succession to the Throne in the House of Brunswick being Protestant. It was composed exclusively of men who were attached to the principles of the Reformation and averse from religious persecution. He knew it had been the custom to malign the Orange Society, and he did not pretend that every member of it was individually infallible; but he asserted that it had a noble purpose, and one with which every loyal citizen of the Empire should sympathize.

SIR GEORGE BOWYER said, the hon. and learned Solicitor General for Ireland had implied that Foresters and Oddfellows came within the provisions of the Acts against illegal oaths. He was informed that the Foresters took no oaths, and he knew the Oddfellows did not; and he therefore wished for some explanation on this point.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, that last year it was suggested that a clause should be introduced to prevent the possibility of these societies being exposed to penalties under the Unlawful Oaths

Acts. The Friendly Societies Act (1855) provided an exemption in favour of these societies only against the Unlawful Oaths Act—the 14 & 15 *Vict.* c. 48—then in force in Ireland, but long since spent. As it was intended by this Bill to continue the measures against unlawful oaths it was thought desirable to renew the exemption, and he had done so as nearly as possible in the words of the English Friendly Societies Act. There was no insinuation that these societies were conducted in such a way as wilfully to expose themselves to the provisions of the Unlawful Oaths Acts.

MR. BUTT said, it was the misfortune of his hon. and learned Friend to mislead the Committee when he addressed them on this Bill. This Bill had no more to do with unlawful oaths than any Bill which had been introduced by the Government; but it was a Bill to prevent the use of signs and passwords in Ireland. Now, any society in England could have signs and passwords; then why should there be a law against the use of such things in Ireland? Although he did not intend to oppose the clause, he thought that this legislation against signs and passwords was most absurd and childish.

Amendment agreed to.

MR. GIBSON proposed, as an Amendment, to add to the end of the clause the following words:—

"Provided always, That all Freemasons or Friendly Brothers who have by reason of inadvertence or neglect not heretofore complied with the directions contained in the second section of the said Act of the second and third Victoria, chapter seventy-four, shall be, and they are hereby indemnified, freed, and discharged from all penalties incurred by reason of any such inadvertence or neglect: And inasmuch as certain associations of Freemasons exist which according to the rules and usages of the said society are not denominated lodges, but are designated councils, chapters, colleges, priories, preceptories, or otherwise, it is hereby enacted that any person making any such certificate upon oath as in the second section of the said Act of the second and third Victoria, chapter seventy-four mentioned, shall be at liberty to designate in such certificate the society, the holding whereof shall be therein certified by the name or designation by which it is usually distinguished according to the usage of the said society of Freemasons: Provided also, That if any such certificates shall be duly registered within one year after the passing of this Act, it shall not be necessary in any succeeding year to register with the clerk of the peace the name or denomination of any branch of the said societies of Freemasons, or the usual place or places,

or the time or times of its meetings, or the names or descriptions of the members thereof, anything in the said Act of the second and third Victoria, chapter seventy-four, to the contrary notwithstanding."

Some hon. Member had on another occasion referred to the fact that the Lord Lieutenant was a Mason. This was true. He belonged to the Grand Lodge, which had been duly registered according to the requirements of law. [MR. CALLAN: Since when?] Since the Lord Lieutenant had been a member of the lodge it had been registered, and therefore his Excellency was in no sense open to any imputation of acting in violation of the law. The Masons were a charitable body, and everyone knew that both the Masons and the Friendly Brothers, if they were proud of anything, were proud of their loyalty. Owing to negligence or inadvertence, however, the secretaries of the various divisions had omitted to perform the necessary work, and the result was, as had been stated in the Amendment, that these loyal and charitable bodies had not entirely complied with the requirements by which they were to be exempted from the purview of the statute. The Amendment was intended to exempt those bodies from the penalties they had incurred. He himself had the honour to belong to both of the societies, and he was not sure whether he was not within the purview of the Acts.

LORD ROBERT MONTAGU rose to Order. He had listened to his hon. and learned Friend, as he did not care to interrupt him whilst he was speaking, but he wished to put it to the Chairman whether the clause could be proposed. In Sir Erskine May's book, page 502, it was stated that—

"No amendment could properly be proposed to a clause irrelevant to the matter of that clause," and "If a clause or amendment irrelevant to the subject-matter of the Bill be offered, the Chairman will decline to put the question." —[pp. 502, 507.]

Well, the title and scope of the Bill were utterly alien to the subject-matter of this clause. It was a Bill to continue certain Peace Preservation Acts in Ireland; it was a Bill imposing Pains and Penalties on Ireland; but this clause was to indemnify certain rich persons from the penalty of felony which they had incurred. In the next place, they had incurred that penalty under an Act which was not embodied in this Bill,

the 50th *Geo. III*; and, thirdly, this Bill was only a temporary Act, whereas the effect of the Amendment would not be temporary; it would extend to all time. The scope of the Amendment and the Bill, therefore, were not identical. It would be a great misfortune if that House should send to Ireland a Bill of most severe Pains and Penalties, which contained within it a clause of indemnity to certain rich persons, while inflicting penalties on the poor.

MR. MELDON also rose to Order. He wished to know whether an hon. Member who admitted that he was himself liable to the penalty of felony could come to that House and ask to be relieved of it?

MR. GIBSON would admit that perhaps he might be out of Court on that score; but he had been extremely cautious when he stated that he belonged to these bodies, for he had said that he was not "sure" that he was affected. In answer to the noble Lord, he might say that the Masons were not all rich, for the members of that body did not belong to any particular class; therefore, it was a mistake to say that the clause was to indemnify the rich. The only qualifications absolutely insisted on were loyalty and adherence to all the ordinary dictates of Christian charity. He submitted that the Amendment was perfectly relevant to the Bill, for he only wished by his clause to amend the Acts as they were recited in the Preamble.

MR. CALLAN asked whether it was consistent with the Rules of the House that a Member should vote on any matter in which he was personally interested?

MR. GIBSON said, he did not positively know that he was personally interested in the matter.

THE CHAIRMAN said, that the Standing Order to which reference had been made by the hon. Member for Dundalk (Mr. Callan) related to the case of Members who had a pecuniary interest in the matter before the House. He believed that on a former occasion exception had been taken to a Member of the House taking part in the discussion of a case in which he was exposed to a penalty; but the Member having stated in his place that he had received no Notice, it was ruled that he was entitled to address the House. The points raised by the noble Lord the Member for Westmeath were much more important. The

first objection was that the Amendment was not within the scope and title of the Bill. That would have been a perfectly valid objection up to the year 1854, when this House adopted a new Standing Order, that any Amendment might be introduced which was relevant to the subject-matter of the Bill; and it was no longer enough to say that the Amendment was not within the scope of the Bill. Of course, it would follow, if such an Amendment were adopted, that the Preamble and Title of the Bill should be amended accordingly. The point, therefore, to be decided was as to the relevancy of this Amendment. Now, though he had for a moment entertained some doubt on the subject, he could not undertake to say that this Amendment was irrelevant. He might, perhaps, point out that some of the words had been embodied in the clause, which had been, however, struck out in order to introduce other words, by which there had been conveyed a somewhat similar exemption. These words stated that the said Act should be so construed as if the provision extended to Foresters and Odd Fellows. It was therefore intended by the framers of the Act that it should have a retrospective effect as far as freeing certain persons from the penalties imposed by the Acts which it amended. Another objection was that there was no mention of the 50th *Geo. III.* within the four corners of the Bill. But he would call attention to the wording of this particular clause, which stated that it was—

"An Act to extend and render more effectual the Act passed in the reign of His Majesty George IV. (to amend an Act passed in the 50th year of His Majesty George III.), as amended by an Act, the 2nd and 3rd of Her Majesty."

Therefore, it appeared to him, that a clause containing this Act of George IV. might be described as amending the Act of George III. That Act of George IV. exempted Masonic lodges from certain penalties attaching to them, and he could not see that an Amendment further extending the mitigation provided by the Act of George IV. to the Masonic body in Ireland was irrelevant. Therefore, having given the best consideration in his power to the important points raised by the noble Lord, he considered the Amendment in Order, and could not refuse to put it from the Chair.

Amendment proposed,

At the end of the Clause, to add the words "Provided always, That all Freemasons or Friendly Brothers who have by reason of inadvertence or neglect not heretofore complied with the directions contained in the second section of the said Act of the second and third Victoria, chapter seventy-four, shall be and they are hereby indemnified, freed, and discharged from all penalties incurred by reason of any such inadvertence or neglect. And inasmuch as certain associations of Freemasons exist which according to the rules and usage of the said society are not denominated lodges, but are designated councils, chapters, colleges, priories, preceptories, or otherwise, it is hereby enacted that any person making any such certificate upon oath as in the second section of the said Act of the second and third Victoria, chapter seventy-four, mentioned, shall be at liberty to designate in such certificate the society, the holding whereof shall be therein certified by the name or designation by which it is usually distinguished according to the usage of the said Society of Freemasons: Provided also, That if any such certificate shall be duly registered within one year after the passing of this Act, it shall not be necessary in any succeeding year to register with the clerk of the peace the name or denomination of any branch of the said Society of Freemasons, or the usual place or places, or the time or times of its meetings, or the names or descriptions of the members thereof, anything in the said Act of the second and third Victoria, chapter seventy-four, to the contrary notwithstanding."—(*Mr. Gibson.*)

LORD ROBERT MONTAGU said, that he, of course, accepted the ruling of the Chairman, and would now address himself to the Amendment. This was not a question whether certain Freemasons were rich and others were poor, but whether Freemasons in Ireland who had contravened the law, and were therefore subject to the heavy penalties of felony, should receive an indemnity under this Bill. It seemed rather hard to impose penalties upon persons who followed the plough in Ireland, and who could not be supposed to be acquainted with laws so complicated and involved, while persons who had much better means of knowing what the law was should receive an indemnity for its transgression. There was a series of Acts, beginning with the 50th *Geo. III.* c. 102, relating to unlawful oaths, and by these Acts Freemasons were clearly felons, and liable to be transported. The 2 and 3 *Vict.* c. 54 made the exemption to which the hon. and learned Member had alluded; but in some respects it was still more strict, as it made every society liable to the penalty whose members were known to each other by secret signs and pass-

words. It exempted the Freemasons on two conditions, and, if these had been complied with, there would have been no necessity for the hon. and learned Member to bring in an indemnity clause. He had moved for a Return, which would be shortly in the hands of hon. Members, and which would show that not a single lodge in Ireland had fulfilled the conditions. The hon. and learned Member had said that the Grand Lodge had done so since the Duke of Abercorn had joined. But the Duke of Abercorn joined at a time when every member of the lodge was a felon. It was a rule of the debates of this House that no Member should, for the purpose of influencing the debates, mention the name of the Sovereign, and therefore it would not be becoming in him to mention the name of one closely related to the Sovereign. He would, however, state that the Papers ordered would show that the Grand Master was his Excellency the Duke of Abercorn, and the Senior Grand Deacon was the Hon. D. R. Plunket, M.P. The question before the Committee then was whether, in a Bill which inflicted Pains and Penalties on poor people in Ireland not guilty of any crime against the law of God, they should, to please the Government, introduce an indemnity clause in favour of the Lord Lieutenant of Ireland, the Solicitor General for Ireland, and others. If a separate Indemnity Bill for the Freemasons were brought in, he did not suppose anyone would oppose it.

MR. CALLAN said, he objected to the proposed clause, on the same ground that he objected to Fenianism, to Manchester murderers, or any other proceedings which violated the law. As to the Friendly Brothers Society, the hon. and learned Gentleman ought to know that no Roman Catholic could be a member of them; but if he would say that the clause he now proposed was to be an Act of Indemnity for himself, he should certainly not move any Amendment; but, if not, he would do so, and divide the Committee upon it.

MR. MACARTNEY said, he was not aware that the Freemasons were an illegal society. They had been recognized in the whole of the Three Kingdoms. It was well known that they were a well-disposed body all over Europe. ["Oh, oh!"] He interpreted the cry of "Oh!" to refer to Italy, but in Italy the King

was at the head of the society. The same was the case in Sweden. In this country the Heir Apparent to the Throne was at their head, and in Ireland their head was the Representative of Her Majesty. It was therefore a pure misrepresentation to say that Freemasons were a secret or illegal body.

MR. SULLIVAN said, he was not a member of the Freemasons' Society, nor did he know what it was. Would any hon. Member tell the Committee why its members were deserving of the exemption it was now proposed to give them? The hon. Gentleman opposite (Mr. Macartney) said the King of Italy was a member, the King of Sweden a member, and so was the hon. and learned Gentleman the Solicitor General for Ireland. Well, was he not at least able to give him (Mr. Sullivan) the information he required? He wished to know what were their rites, rules, and mysteries? The Committee were asked to vote for an exemption blindfold. Prove the merits and qualifications of the order, and if it was to be a benefit to the human race, let the Committee know a little more about it. He wished some "man and brother," if that was the proper phrase, to tell the uninitiated whether they were morally justified in passing a Bill of exemption of this nature. He knew a great many excellent men who were members of Freemasons' lodges, and had nothing to say against them; but he was ignorant of the mysteries of the craft, and he hoped that some Member would get up and tell the Committee all about it.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, there was not, so far as he was aware, any rule in Freemasonry which would prevent the hon. Member for Louth from becoming one of the order. Nor was there any reason why the hon. Member should not become acquainted with all the rites if he saw fit. Only there were certain proceedings of a preliminary character, which, however, were not so formidable as they were supposed to be, and if the hon. Gentleman was disposed to press the matter forward, he should be happy to give him every facility and advantage which lay in his power as a member of the Craft. But the hon. Gentleman must remember it was not they who had dragged this matter forward; it was the ingenuity—the misuse of in-

genuity—of the noble Lord the Member for Westmeath who had discovered that the conditions prescribed by the Act had not been complied with. He confessed, though he (the Solicitor General) had read the statute on the subject, and had almost been brought up a Freemason, he was ignorant until now that all the conditions had not been fulfilled, as had been asserted by the noble Lord. There was no doubt that up to a few years ago all these conditions had been fully complied with, and that they would also be complied with in the future. He need scarcely inform the House that the Unlawful Oaths Acts were as severe in England as in Ireland against the Freemasons, and if the noble Lord extended his research to England he might find omissions here also. He considered the proposal before the Committee a very fair one.

MR. MUNDELLA hoped the Irish Members would not stultify themselves by voting against this Amendment. They were contending for the same rights and privileges as were enjoyed by their fellow-countrymen in England, and how then could they consistently vote for the retention of a coercive clause against a large section of their fellow-countrymen to whom no crime was imputed? Odd Fellows, Freemasons, and Friendly Brothers were under no coercion in England, and why should they be so in Ireland?

MR. MELDON said, he did not think this was an Amendment which ought to provoke mirth in any way. This was a Bill affecting Ireland alone; it was a Bill brought forward for the purpose of coercion; and it was proposed to offer an indemnity only to one particular class—the Freemasons, or, in other words, to the rich of the land. ["No, no!"] He maintained that it was so. He said rich, because 99 hundredths almost of the Irish people believed that the Freemasons Society was an illegal society, and a society of which they ought not to become members. Reference had been made to the Viceroy of Ireland. Well, in his opinion, the appointment of the Viceroy to the head of the Freemasons of Ireland was an insult to 99 hundredths of the Irish people. He could not shut his eyes to the fact that the society in Italy was as atrocious a society as ever existed—he could not shut his eyes to the fact that on a very recent

occasion in this metropolis a deputation waited upon the head of the order in England and was received privately.

MR. BUTLER-JOHNSTONE pointed out that "Secret Society" was an equivocal term. A society might be called secret because its rites and ceremonies were secret, or else because it was not known who were its members. In the latter sense Freemasonry was not a secret society, for their names were all published; and if the Ribbon Societies would publish the names of their members there would be no objection to them.

MR. CALLAN moved to omit from the proposed Amendment the words "or the names or descriptions of the members thereof."

SIR PATRICK O'BRIEN said, that although his own religious opinions would not permit him to join a society like the Freemasons, yet he did not see why he should seek to deny to others the privilege of doing so. He would rather exercise that charity in reference to matters of opinion that it was the duty of all of them to inculcate in Ireland. Gentlemen had from inadvertence offended against the law, and when they wished to withdraw from the unfortunate position into which they had got, he should not join in any attempt to prevent them doing so.

LORD ROBERT MONTAGU hoped that there would be no division against the original Amendment, because he thought it would be quite sufficient that they should have protested against the bad taste of the proposed mode of exempting the Freemasons.

MR. BUTT also thought that it would be unfortunate to have a division upon the question, though the matter was not such a light one as some persons supposed. The question was now not as to unlawful oaths, but as to societies which had "signs and passwords." Such societies were declared illegal, but Freemasons' societies were exempted from the enactment if they performed certain conditions, which in many cases had not been performed. It was certain that there were Masonic lodges in Dublin which had not complied with this absurd legislation. As, however, it was persons of rank and position who had violated the law, the matter was not treated as being at all serious. It would have been better if there had been a clause indemnifying every one who was in a

similar position, and not simply persons who were members of a particular society, because in such a mode of proceeding there would be nothing of an exceptional kind, neither would it tend, as the proposed Amendment did, to make felony appear respectable in the eyes of the Irish people.

MR. MITCHELL HENRY said, his intention was to vote in favour of liberty and against any restrictions upon the rights of his fellow-subjects. There were, he was aware, societies that had "secret signs," and there was a society called the "Catholic Union Society," but he did not know whether that society had any secret signs or not. ["No, no!"] Well, he did not say that it had; but even if it was proved it had passwords, he would never give a vote which would operate against such a society. He would here say that there ought to be but one law for England and for Ireland.

Amendment (*Mr. Callan*) to said proposed Amendment *negatived*.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 311; Noes 3: Majority 308.

Clause, as amended, *agreed to*.

Clause 5 (Continuance of certain parts of Protection of Life and Property in certain Parts of Ireland Act, 1871.)

SIR JOSEPH M'KENNA, in page 4, line 32, moved, as an Amendment, to leave out "seventy-seven," and insert instead "seventy-six," the object of which was to limit the duration of the Westmeath Act to one year. He did not know that it was necessary for him to enter into any general argument on this question, the subject having been already exhausted. The question for the Committee was whether the renewal of the Act for one year only should be adopted.

Amendment *negatived*.

MR. BUTT then moved an Amendment to the effect that so much of the Act of 1871 as provided that no writ of Habeas Corpus should issue to bring up the body of any one arrested under it should be repealed. All that could be intended by the measure was that the Lord Lieutenant should have the power of indefinitely detaining a man in custody instead of bringing him to trial at

Mr. Meldon

the next Assizes; but it was unjust and unprecedented that a man so imprisoned should be shut out from his constitutional right to move for a writ of Habeas Corpus to be brought before the Court to obtain its judgment on the legality and sufficiency of the warrant under which he was detained. There was, he contended, no Act previous to the Westmeath Act which took away the right to a writ of Habeas Corpus which existed at Common Law previous to the passing of any statute. That Act, therefore, was in violation of all the usages of English legislation, and he therefore hoped the Amendment would be assented to.

Amendment proposed,

In page 4, line 38, at the end thereof, to add the words "Provided always, That so much of said Act as provides that 'no writ of habeas corpus should issue to bring up the body of any person arrested or committed or detained by force of a warrant issued under the authority of the said Act' shall be and the same is hereby repealed."—(*Mr. Butt.*)

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, the Act in question had been drawn with exceptional severity to meet an exceptional state of things, and carried out in a most complete and accurate way that which was the express intention of the Legislature. The Amendment, if carried, would, to some extent, weaken the effect of the Act, and he should not, therefore, advise the Committee to agree to it. No person arrested under this power would be subjected to unfair treatment, but would be dealt with as an untried prisoner.

SIR GEORGE BOWYER said, the hon. and learned Member had altogether failed to meet the constitutional argument raised by the hon. and learned Member for Limerick. He (Sir George Bowyer) wished it to be understood, as a matter of Constitutional Law, that the clause did what no suspension of the Habeas Corpus Act ever before effected, because it took away from the subject detained under this Act the Common Law right of Habeas Corpus, and deprived the Sovereign of the right to inquire whether the subject was or was not legally detained. The warrant might be wrong in point of law, yet its legality could not be inquired into. He should, therefore, oppose this unconstitutional provision.

MR. SULLIVAN was confident that nine-tenths of those whom he addressed were under the impression that the suspension of the Habeas Corpus Act meant no more than that the Lord Lieutenant might detain a man in prison without bringing him to trial; whereas it went further and gave the Lord Lieutenant the power, if necessary, to send a prisoner beyond the jurisdiction of a writ. What his hon. and learned Friend asked was that Parliament should leave untouched the right of the subject to have the legality of the warrant under which he was detained reviewed by one of the Courts of Common Law. Let them confer, if they would, the simple power of detention on the Lord Lieutenant; but let them leave untouched the right at Common Law which existed before the time of Charles II. of challenging the substance of his procedure, and not place the suspension of the Habeas Corpus Act beyond all law, all supervision, and all review. Let them not give to the Lord Lieutenant of Ireland a power which, rather than confer it upon the Monarch of England, they would first take his head. ["Oh, oh!"] They had done so before, and in the history of England there was no constitutional question that had been more fiercely contested in the interests of popular rights. In the present case, while the Act of Charles II., which they so much boasted of, gave an accused person a right to speedy trial, they were by this Act taking away every constitutional right from the Irish people. Such a clause would give the Lord Lieutenant power to inflict torture in the Irish prisons.

MR. RONAYNE appealed to the Leader of the Opposition to give effect on that occasion to the utterance of the late Prime Minister, when a similar Bill was under discussion in a former year, to the effect that he knew not what was worse than tranquillity purchased by the suspension of the Habeas Corpus Act except civil war. Yet this was the state to which they proposed to reduce Ireland, a country which was at peace and free from agrarian crimes.

MR. M'CARTHY DOWNING reminded the House that in the case of Wolfe Tone, when sentence of death had been passed upon him by a military tribunal for high treason, the Court of Queen's Bench issued its writ of Habeas Corpus—though the Courts had been

vided that the Grand Jury should be satisfied that material evidence was being withheld, he thought the matter would be placed on a proper footing. He thought it better that the matter should, with these safeguards, be settled by the local authorities, than that they should now adopt any off-hand proposals for dealing with the question.

Question put, "That those words be there added."

The Committee *divided*: — Ayes 87; Noes 269: Majority 182.

MR. FAY moved, as an Amendment, in page 4, line 10, to insert after "appeals"—

"Provided always, That, notwithstanding anything hereinbefore contained, there shall be such right of traverse of any such presentment as is given in respect of malicious injuries in the Act of 6 and 7 William IV., chapter 116."

He contended that they would brand the juries of Ireland with complicity with criminal outrages if they did not admit that those juries were willing to allow compensation to the relatives of those who had suffered from such outrages. Proceedings in Grand Jury rooms in reference to these matters were not always conducted in a very correct manner, and he thought that the ratepayers should have the right to appeal to a common jury in matters wherein they felt aggrieved and that a wrong decision had been arrived at.

Amendment proposed,

In page 4, line 10, after the word "appeals," to insert the words "Provided always, That, notwithstanding anything hereinbefore contained, there shall be such right of traverse of any such presentment as is given in respect of malicious injuries under the Act of the sixth and seventh of William the Fourth, chapter one hundred and sixteen."—(Mr. Fay.)

MR. GIBSON said, the effect of the Amendment would be to change the existing tribunal, which had been existing and working ever since the year 1870. It had been appointed by the Peace Preservation Act of 1870 to work out this compensation system. Indeed, he could not imagine a more satisfactory tribunal than the present one, as it consisted of the gentry and those who had the largest interest in the county in every way. All the witnesses were examined before it, and every one of them had an opportunity of stating what he desired in the case; and any ratepayer who had an interest in the matter could, if dissatisfied, take it—before whom? Not

before a petty jury, but before one of Her Majesty's Judges, who listened to all on each side, and, after he had heard all on the one side and the other, affirmed or set aside the decision of the Grand Jury. Now, that was a tribunal that had been in operation for the last five years, and which had, to his (Mr. Gibson's) knowledge, worked well. Yet, while the Judges had power to select a wider area for the incidence of taxation—a power exercised by Baron Dease—once an ornament to this House—it was now sought by the hon. Member to set that tribunal aside and adopt another. Let it also be remembered that it was now asked to pass the present Bill for five years only, and that the existing tribunal, which it was sought by the Bill to continue, had been in operation five years. He hoped the Committee would decide in favour of the appeal to Her Majesty's Judges and against the Amendment of the hon. Member.

MR. BIGGAR said, the hon. and learned Member who had just addressed the House asserted that the decisions of Her Majesty's Judges had given great satisfaction; but he (Mr. Biggar) believed the contrary, and he considered the adoption of power of appeal to a common jury desirable.

Question put, "That those words be there inserted."

The Committee *divided*: — Ayes 61; Noes 221: Majority 160.

CAPTAIN NOLAN moved, as an Amendment, in page 4, at end of clause, to add—

"And he may also determine that such sum shall be levied from the poor rates instead of from the county cess, and award accordingly."

The Government could not call this a revolutionary Amendment, as it merely permitted the Judge to levy half the burden on the landlord and half on the occupier, instead of placing the whole rate on the occupier. The occupiers of the land might not know anything of the injury for which the levy was made, and the question was simply one of compensation. He did not think the proposal was very revolutionary. The Judges might, in certain cases, be of opinion that there had been remissness on the part of the magistrates, and that they should bear a part of the compensation. In such cases the charge ought most certainly to be divided between the landlord and the occupier.

Sir Michael Hicks-Beach

SIR MICHAEL HICKS - BEACH said, the Committee having already decided that the monies necessary to provide compensation should be levied upon the county cess, he could not accept a proposal which would put it within the power of the Judges to override the decision of Parliament.

MR. O'SHAUGHNESSY contended that there was nothing in the decision referred to by the Chief Secretary to prevent the Committee acceding to the proposal of the hon. and gallant Gentleman the Member for Galway. Nothing could be more unjust than to charge the tenantry of a district with the compensation for an outrage in which they manifestly had no part.

MR. M'CARTHY DOWNING, though he thought his hon. and gallant Friend had the best of the argument, advised the withdrawal of the Amendment, on the ground that they could not at that period of the evening hope to obtain a better division than had already taken place.

MR. BIGGAR trusted the hon. and gallant Gentleman would press his Motion.

CAPTAIN NOLAN said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. M'CARTHY DOWNING said, he had now to move an Amendment, which was essentially different from that of the hon. and gallant Member for Galway. The Amendment was this—that, inasmuch as under the 138th section of the Grand Juries Act the Judges had had the power, in the traverse of a presentment, to call a jury to their aid, they should also have the power of calling a jury to assist them, not for the purpose of saying that a malicious outrage was not an agrarian crime, or that there should be no assessment at all, but simply to determine what should be the area over which the taxation should extend, and also to vary the amount of the award. He proposed that the jurors should not be fewer in number than five nor greater than nine. It would be much better that any presentment for agrarian crime should be made over the whole county instead of upon so limited an area.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, this was decidedly a less objectionable

Amendment than the one that had recently been rejected. Parliament, however, had deliberately adopted the opposite procedure, and, as it had worked well and the principle had just been re-affirmed by the Committee, he would ask the hon. Gentleman not to press his Amendment to a division.

MR. O'SHAUGHNESSY, for the sake of consistency, must join in the appeal to his hon. Friend to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

On Question, That the clause, as amended, be agreed to?

THE O'CONOR DON asked when the Chief Secretary for Ireland would make the promised additions to the clause?

SIR MICHAEL HICKS - BEACH thought they would be most conveniently made on the Report.

MR. BIGGAR said, it was his duty to oppose the clause, as it was wholly incomprehensible. The Amendments to the clause were numerous, and it was desirable that the Committee should have them in a comprehensive form before the clause was agreed to. No one seemed to understand the clause. Indeed, he would undertake to say that there not half-a-dozen Members who were clearly acquainted with its meaning.

MR. BUTT desired to know if he rightly understood the change which had been made in reference to the search for arms? The original Act authorized the issue of general warrants, and since 1870, practically, the law had been to give the police the power to make domiciliary visits. These warrants, as he now understood the Chief Secretary, were not being renewed throughout the proclaimed districts of Ireland, but only in those places or parts where the importation of arms was feared. [SIR MICHAEL HICKS-BEACH assented.] That being the case, he could only say it was a great amelioration of the condition of the Irish people; and he desired to know now if there would be any objection, when these warrants became necessary, to have a magistrate's signature attached to them.

SIR MICHAEL HICKS - BEACH said, the hon. and learned Member had correctly appreciated the state of affairs which existed. In certain parts of Ireland general warrants were in force, but he could not name the places publicly.

No change had been made in the form of the warrant, and, generally speaking, no warrants for searches were issued without the places being specified.

MR. BUTT was glad to find that general warrants were not issued, except in special cases; but still, the general warrant was legally in force.

Clause, as amended, *agreed to*.

Clause 4 (Continuance of 2 & 3 Vict. c. 74, as amended by 11 & 12 Vict. c. 89).

MR. BUTT moved, as an Amendment, in page 4, in line 17, the omission of the words, "as amended by the Act passed in the Session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, chapter seventy-nine." The effect of the Amendment would be to exclude from the operation of the present Bill a power which was no longer required—namely, that of entering a meeting held for a seditious or treasonable purpose and seizing papers, and of remaining there as long as was thought fit. Such a provision might be suited for 1848, but it was altogether uncalled for now as regarded any part of Ireland.

Amendment proposed,

In page 4, line 17, to leave out the words "as amended by the Act passed in the Session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, chapter seventy-nine."—(*Mr. Butt.*)

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, the Government could not accept the Amendment. He was not prepared to admit that the provision referred to was wholly uncalled for. A statement had been made and repeated more than once in the course of the debate which he would take this opportunity to correct. The noble Lord the Member for Westmeath (Lord Robert Montagu) without, of course, wishing to misrepresent him (the Solicitor General for Ireland) had said that he had stated in his speech on the second reading of the Bill, that the Fenian conspiracy was now of the least importance. What he said was that three evils were to be guarded against by this Bill, and the least of the three was Fenianism; but he had never said that this conspiracy which was in full force so short a time ago had lost its importance.

Sir Michael Hicks-Beach

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 101; Noes 68: Majority 33.

MR. M'CARTHY DOWNING said, he had an Amendment on the Paper, altering the year when the operation of the clause should expire from 1880 to 1876; but with the permission of the House he would withdraw it, as the question which it involved was one which had already been discussed and disposed of.

Amendment, by leave, *withdrawn*.

CAPTAIN NOLAN moved, as an Amendment, that "1877" should be substituted for "1880."

Amendment proposed, in page 4, line 21, to leave out the word "eighty," and insert the words "seventy-seven."—(*Captain Nolan.*)

SIR MICHAEL HICKS-BEACH agreed with the hon. Member for the county of Cork (Mr. M'Carthy Downing) in thinking that this was a matter which had already been disposed of.

MR. BUTT maintained that it was quite a different question, the former decision having reference to the powers relating to arms.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, the principle had been affirmed on three separate occasions.

Question put, "That the word 'eighty' stand part of the Clause."

The Committee *divided*:—Ayes 87; Noes 85: Majority 2.

MR. MITCHELL HENRY said, he wished to call the attention of the Chairman to a matter connected with the closing of the door of the House at the time of a division. He had noticed on several occasions lately that there appeared to be a want of harmony between the running out of the sand and the closing of the door. If a Rule of the House required that the door should be shut whenever the sand in the glass had run out, he had no doubt the Chairman would take care that it should be strictly enforced. In discussions like the present—discussions in which Irish Members felt so strongly—it was extremely important that there should be

the utmost accuracy in the observance of the rules relating to divisions.

THE CHAIRMAN: The hon. Member for the county of Galway is perfectly right in assuming that the moment the sand in the glass has run out the ringing of the bell ought to cease and the door ought to be closed. I have always risen in my place at that moment for the purpose of showing that the door ought then to be shut. It has, however, happened sometimes that, owing to a crowd of Members rushing in, it has been difficult to carry out the Rule with the utmost precision. My attention was privately called to the matter yesterday, and I at once put myself in communication with the Sergeant-at-Arms in order to secure that, as far as possible, the door should always be closed at the proper moment.

CAPTAIN NOLAN, as he was at the door, wished to say that he thought everything there on the last occasion was conducted with perfect fairness towards both sides. On other occasions, two or three days ago, he might have complained of what occurred.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, he wished to move the Amendment which stood on the Paper in his name. As originally drawn, the clause proposed to exempt the Odd Fellows and Free Foresters from the operation of the statute against unlawful societies; but after further consideration of the matter, the Government had come to the conclusion that it would be better to follow as closely as possible the words of the Friendly Societies Act for England, a course which would have the advantage of placing the law of both countries more nearly on the same basis and also of including within its protection other friendly societies besides the Free Foresters and Odd Fellows. He begged therefore to move, in page 4, line 21, to leave out from after "eighty" to end of Clause, and insert—

"But the provisions of the said Acts shall not extend to any society now established, or hereafter to be established, under the statutes regulating Friendly Societies, or to any meeting of the members or officers thereof, in which society, or at which meeting, no business whatever is transacted other than that which, directly and immediately, relates to the objects of the society as declared in the rules thereof, and set forth in the certified copy thereof: Provided, That the trustees or other officers of the society, when re-

quired under the hands of two of Her Majesty's justices of the peace, shall give full information to such justices of the nature, objects, proceedings, and practices of such society; and, in default thereof, the provisions of the said Acts shall be in force in respect of such society."

MR. WILLIAM JOHNSTON said, that, when it was first proposed to exempt by name the Free Foresters and Odd Fellows, he had put on the Paper an Amendment to exempt another society in which he was interested—namely, the Orangemen, who were entitled to equal privileges with those other associations; but the Amendment just moved by the hon. and learned Solicitor General for Ireland deprived him of the opportunity of moving his own Amendment. He certainly would not claim for the Orangemen a privilege that he would not extend to other societies. At the same time, he was not prepared to admit the illegality of the Orange Society, still less could he for a moment allow that the aims of that institution should be put on a par with those of the Ribbon Society. The Ribbon Society had for its object murder and assassination; whereas the Orange Society had for its object the maintenance of the Protestant religion, the support of the rightful Sovereign, and the upholding of the laws of the Realm, the Legislative Union, and the succession to the Throne in the House of Brunswick being Protestant. It was composed exclusively of men who were attached to the principles of the Reformation and averse from religious persecution. He knew it had been the custom to malign the Orange Society, and he did not pretend that every member of it was individually infallible; but he asserted that it had a noble purpose, and one with which every loyal citizen of the Empire should sympathize.

SIR GEORGE BOWYER said, the hon. and learned Solicitor General for Ireland had implied that Foresters and Oddfellows came within the provisions of the Acts against illegal oaths. He was informed that the Foresters took no oaths, and he knew the Oddfellows did not; and he therefore wished for some explanation on this point.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, that last year it was suggested that a clause should be introduced to prevent the possibility of these societies being exposed to penalties under the Unlawful Oaths

Acts. The Friendly Societies Act (1855) provided an exemption in favour of these societies only against the Unlawful Oaths Act—the 14 & 15 Vict. c. 48—then in force in Ireland, but long since spent. As it was intended by this Bill to continue the measures against unlawful oaths it was thought desirable to renew the exemption, and he had done so as nearly as possible in the words of the English Friendly Societies Act. There was no insinuation that these societies were conducted in such a way as wilfully to expose themselves to the provisions of the Unlawful Oaths Acts.

MR. BUTT said, it was the misfortune of his hon. and learned Friend to mislead the Committee when he addressed them on this Bill. This Bill had no more to do with unlawful oaths than any Bill which had been introduced by the Government; but it was a Bill to prevent the use of signs and passwords in Ireland. Now, any society in England could have signs and passwords; then why should there be a law against the use of such things in Ireland? Although he did not intend to oppose the clause, he thought that this legislation against signs and passwords was most absurd and childish.

Amendment agreed to.

MR. GIBSON proposed, as an Amendment, to add to the end of the clause the following words:—

“Provided always, That all Freemasons or Friendly Brothers who have by reason of inadvertence or neglect not heretofore complied with the directions contained in the second section of the said Act of the second and third Victoria, chapter seventy-four, shall be, and they are hereby indemnified, freed, and discharged from all penalties incurred by reason of any such inadvertence or neglect: And inasmuch as certain associations of Freemasons exist which according to the rules and usages of the said society are not denominated lodges, but are designated councils, chapters, colleges, priories, preceptories, or otherwise, it is hereby enacted that any person making any such certificate upon oath as in the second section of the said Act of the second and third Victoria, chapter seventy-four mentioned, shall be at liberty to designate in such certificate the society, the holding whereof shall be therein certified by the name or designation by which it is usually distinguished according to the usage of the said society of Freemasons: Provided also, That if any such certificates shall be duly registered within one year after the passing of this Act, it shall not be necessary in any succeeding year to register with the clerk of the peace the name or denomination of any branch of the said societies of Freemasons, or the usual place or places,

or the time or times of its meetings, or the names or descriptions of the members thereof, anything in the said Act of the second and third Victoria, chapter seventy-four, to the contrary notwithstanding.”

Some hon. Member had on another occasion referred to the fact that the Lord Lieutenant was a Mason. This was true. He belonged to the Grand Lodge, which had been duly registered according to the requirements of law. [MR. CALLAN: Since when?] Since the Lord Lieutenant had been a member of the lodge it had been registered, and therefore his Excellency was in no sense open to any imputation of acting in violation of the law. The Masons were a charitable body, and everyone knew that both the Masons and the Friendly Brothers, if they were proud of anything, were proud of their loyalty. Owing to negligence or inadvertence, however, the secretaries of the various divisions had omitted to perform the necessary work, and the result was, as had been stated in the Amendment, that these loyal and charitable bodies had not entirely complied with the requirements by which they were to be exempted from the purview of the statute. The Amendment was intended to exempt those bodies from the penalties they had incurred. He himself had the honour to belong to both of the societies, and he was not sure whether he was not within the purview of the Acts.

LORD ROBERT MONTAGU rose to Order. He had listened to his hon. and learned Friend, as he did not care to interrupt him whilst he was speaking, but he wished to put it to the Chairman whether the clause could be proposed. In Sir Erskine May's book, page 502, it was stated that—

“No amendment could properly be proposed to a clause irrelevant to the matter of that clause,” and “If a clause or amendment irrelevant to the subject-matter of the Bill be offered, the Chairman will decline to put the question.”—[pp. 502, 507.]

Well, the title and scope of the Bill were utterly alien to the subject-matter of this clause. It was a Bill to continue certain Peace Preservation Acts in Ireland; it was a Bill imposing Pains and Penalties on Ireland; but this clause was to indemnify certain rich persons from the penalty of felony which they had incurred. In the next place, they had incurred that penalty under an Act which was not embodied in this Bill,

the 50th *Geo. III*; and, thirdly, this Bill was only a temporary Act, whereas the effect of the Amendment would not be temporary; it would extend to all time. The scope of the Amendment and the Bill, therefore, were not identical. It would be a great misfortune if that House should send to Ireland a Bill of most severe Pains and Penalties, which contained within it a clause of indemnity to certain rich persons, while inflicting penalties on the poor.

MR. MELDON also rose to Order. He wished to know whether an hon. Member who admitted that he was himself liable to the penalty of felony could come to that House and ask to be relieved of it?

MR. GIBSON would admit that perhaps he might be out of Court on that score; but he had been extremely cautious when he stated that he belonged to these bodies, for he had said that he was not "sure" that he was affected. In answer to the noble Lord, he might say that the Masons were not all rich, for the members of that body did not belong to any particular class; therefore, it was a mistake to say that the clause was to indemnify the rich. The only qualifications absolutely insisted on were loyalty and adherence to all the ordinary dictates of Christian charity. He submitted that the Amendment was perfectly relevant to the Bill, for he only wished by his clause to amend the Acts as they were recited in the Preamble.

MR. CALLAN asked whether it was consistent with the Rules of the House that a Member should vote on any matter in which he was personally interested?

MR. GIBSON said, he did not positively know that he was personally interested in the matter.

THE CHAIRMAN said, that the Standing Order to which reference had been made by the hon. Member for Dundalk (Mr. Callan) related to the case of Members who had a pecuniary interest in the matter before the House. He believed that on a former occasion exception had been taken to a Member of the House taking part in the discussion of a case in which he was exposed to a penalty; but the Member having stated in his place that he had received no Notice, it was ruled that he was entitled to address the House. The points raised by the noble Lord the Member for Westmeath were much more important. The

first objection was that the Amendment was not within the scope and title of the Bill. That would have been a perfectly valid objection up to the year 1854, when this House adopted a new Standing Order, that any Amendment might be introduced which was relevant to the subject-matter of the Bill; and it was no longer enough to say that the Amendment was not within the scope of the Bill. Of course, it would follow, if such an Amendment were adopted, that the Preamble and Title of the Bill should be amended accordingly. The point, therefore, to be decided was as to the relevancy of this Amendment. Now, though he had for a moment entertained some doubt on the subject, he could not undertake to say that this Amendment was irrelevant. He might, perhaps, point out that some of the words had been embodied in the clause, which had been, however, struck out in order to introduce other words, by which there had been conveyed a somewhat similar exemption. These words stated that the said Act should be so construed as if the provision extended to Foresters and Odd Fellows. It was therefore intended by the framers of the Act that it should have a retrospective effect as far as freeing certain persons from the penalties imposed by the Acts which it amended. Another objection was that there was no mention of the 50th *Geo. III.* within the four corners of the Bill. But he would call attention to the wording of this particular clause, which stated that it was—

"An Act to extend and render more effectual the Act passed in the reign of His Majesty George IV. (to amend an Act passed in the 50th year of His Majesty George III.), as amended by an Act, the 2nd and 3rd of Her Majesty."

Therefore, it appeared to him, that a clause containing this Act of George IV. might be described as amending the Act of George III. That Act of George IV. exempted Masonic lodges from certain penalties attaching to them, and he could not see that an Amendment further extending the mitigation provided by the Act of George IV. to the Masonic body in Ireland was irrelevant. Therefore, having given the best consideration in his power to the important points raised by the noble Lord, he considered the Amendment in Order, and could not refuse to put it from the Chair.

Amendment proposed,

At the end of the Clause, to add the words "Provided always, That all Freemasons or Friendly Brothers who have by reason of inadvertence or neglect not heretofore complied with the directions contained in the second section of the said Act of the second and third Victoria, chapter seventy-four, shall be and they are hereby indemnified, freed, and discharged from all penalties incurred by reason of any such inadvertence or neglect. And inasmuch as certain associations of Freemasons exist which according to the rules and usage of the said society are not denominated lodges, but are designated councils, chapters, colleges, priories, preceptories, or otherwise, it is hereby enacted that any person making any such certificate upon oath as in the second section of the said Act of the second and third Victoria, chapter seventy-four, mentioned, shall be at liberty to designate in such certificate the society, the holding whereof shall be therein certified by the name or designation by which it is usually distinguished according to the usage of the said Society of Freemasons: Provided also, That if any such certificate shall be duly registered within one year after the passing of this Act, it shall not be necessary in any succeeding year to register with the clerk of the peace the name or denomination of any branch of the said Society of Freemasons, or the usual place or places, or the time or times of its meetings, or the names or descriptions of the members thereof, anything in the said Act of the second and third Victoria, chapter seventy-four, to the contrary notwithstanding."—(*Mr. Gibson.*)

LORD ROBERT MONTAGU said, that he, of course, accepted the ruling of the Chairman, and would now address himself to the Amendment. This was not a question whether certain Freemasons were rich and others were poor, but whether Freemasons in Ireland who had contravened the law, and were therefore subject to the heavy penalties of felony, should receive an indemnity under this Bill. It seemed rather hard to impose penalties upon persons who followed the plough in Ireland, and who could not be supposed to be acquainted with laws so complicated and involved, while persons who had much better means of knowing what the law was should receive an indemnity for its transgression. There was a series of Acts, beginning with the 50th *Geo.* III. c. 102, relating to unlawful oaths, and by these Acts Freemasons were clearly felons, and liable to be transported. The 2 and 3 *Vict.* c. 54 made the exemption to which the hon. and learned Member had alluded; but in some respects it was still more strict, as it made every society liable to the penalty whose members were known to each other by secret signs and pass-

words. It exempted the Freemasons on two conditions, and, if these had been complied with, there would have been no necessity for the hon. and learned Member to bring in an indemnity clause. He had moved for a Return, which would be shortly in the hands of hon. Members, and which would show that not a single lodge in Ireland had fulfilled the conditions. The hon. and learned Member had said that the Grand Lodge had done so since the Duke of Abercorn had joined. But the Duke of Abercorn joined at a time when every member of the lodge was a felon. It was a rule of the debates of this House that no Member should, for the purpose of influencing the debates, mention the name of the Sovereign, and therefore it would not be becoming in him to mention the name of one closely related to the Sovereign. He would, however, state that the Papers ordered would show that the Grand Master was his Excellency the Duke of Abercorn, and the Senior Grand Deacon was the Hon. D. R. Plunket, M.P. The question before the Committee then was whether, in a Bill which inflicted Pains and Penalties on poor people in Ireland not guilty of any crime against the law of God, they should, to please the Government, introduce an indemnity clause in favour of the Lord Lieutenant of Ireland, the Solicitor General for Ireland, and others. If a separate Indemnity Bill for the Freemasons were brought in, he did not suppose anyone would oppose it.

MR. CALLAN said, he objected to the proposed clause, on the same ground that he objected to Fenianism, to Manchester murderers, or any other proceedings which violated the law. As to the Friendly Brothers Society, the hon. and learned Gentleman ought to know that no Roman Catholic could be a member of them; but if he would say that the clause he now proposed was to be an Act of Indemnity for himself, he should certainly not move any Amendment; but, if not, he would do so, and divide the Committee upon it.

MR. MACARTNEY said, he was not aware that the Freemasons were an illegal society. They had been recognized in the whole of the Three Kingdoms. It was well known that they were a well-disposed body all over Europe. ["Oh, oh!"] He interpreted the cry of "Oh!" to refer to Italy, but in Italy the King

was at the head of the society. The same was the case in Sweden. In this country the Heir Apparent to the Throne was at their head, and in Ireland their head was the Representative of Her Majesty. It was therefore a pure misrepresentation to say that Freemasons were a secret or illegal body.

MR. SULLIVAN said, he was not a member of the Freemasons' Society, nor did he know what it was. Would any hon. Member tell the Committee why its members were deserving of the exemption it was now proposed to give them? The hon. Gentleman opposite (Mr. Macartney) said the King of Italy was a member, the King of Sweden a member, and so was the hon. and learned Gentleman the Solicitor General for Ireland. Well, was he not at least able to give him (Mr. Sullivan) the information he required? He wished to know what were their rites, rules, and mysteries? The Committee were asked to vote for an exemption blindfold. Prove the merits and qualifications of the order, and if it was to be a benefit to the human race, let the Committee know a little more about it. He wished some "man and brother," if that was the proper phrase, to tell the uninitiated whether they were morally justified in passing a Bill of exemption of this nature. He knew a great many excellent men who were members of Freemasons' lodges, and had nothing to say against them; but he was ignorant of the mysteries of the craft, and he hoped that some Member would get up and tell the Committee all about it.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, there was not, so far as he was aware, any rule in Freemasonry which would prevent the hon. Member for Louth from becoming one of the order. Nor was there any reason why the hon. Member should not become acquainted with all the rites if he saw fit. Only there were certain proceedings of a preliminary character, which, however, were not so formidable as they were supposed to be, and if the hon. Gentleman was disposed to press the matter forward, he should be happy to give him every facility and advantage which lay in his power as a member of the Craft. But the hon. Gentleman must remember it was not they who had dragged this matter forward; it was the ingenuity—the misuse of in-

genuity—of the noble Lord the Member for Westmeath who had discovered that the conditions prescribed by the Act had not been complied with. He confessed, though he (the Solicitor General) had read the statute on the subject, and had almost been brought up a Freemason, he was ignorant until now that all the conditions had not been fulfilled, as had been asserted by the noble Lord. There was no doubt that up to a few years ago all these conditions had been fully complied with, and that they would also be complied with in the future. He need scarcely inform the House that the Unlawful Oaths Acts were as severe in England as in Ireland against the Freemasons, and if the noble Lord extended his research to England he might find omissions here also. He considered the proposal before the Committee a very fair one.

MR. MUNDELLA hoped the Irish Members would not stultify themselves by voting against this Amendment. They were contending for the same rights and privileges as were enjoyed by their fellow-countrymen in England, and how then could they consistently vote for the retention of a coercive clause against a large section of their fellow-countrymen to whom no crime was imputed? Odd Fellows, Freemasons, and Friendly Brothers were under no coercion in England, and why should they be so in Ireland?

MR. MELDON said, he did not think this was an Amendment which ought to provoke mirth in any way. This was a Bill affecting Ireland alone; it was a Bill brought forward for the purpose of coercion; and it was proposed to offer an indemnity only to one particular class—the Freemasons, or, in other words, to the rich of the land. ["No, no!"] He maintained that it was so. He said rich, because 99 hundredths almost of the Irish people believed that the Freemasons Society was an illegal society, and a society of which they ought not to become members. Reference had been made to the Viceroy of Ireland. Well, in his opinion, the appointment of the Viceroy to the head of the Freemasons of Ireland was an insult to 99 hundredths of the Irish people. He could not shut his eyes to the fact that the society in Italy was as atrocious a society as ever existed—he could not shut his eyes to the fact that on a very recent

occasion in this metropolis a deputation waited upon the head of the order in England and was received privately.

MR. BUTLER-JOHNSTONE pointed out that "Secret Society" was an equivocal term. A society might be called secret because its rites and ceremonies were secret, or else because it was not known who were its members. In the latter sense Freemasonry was not a secret society, for their names were all published; and if the Ribbon Societies would publish the names of their members there would be no objection to them.

MR. CALLAN moved to omit from the proposed Amendment the words "or the names or descriptions of the members thereof."

SIR PATRICK O'BRIEN said, that although his own religious opinions would not permit him to join a society like the Freemasons, yet he did not see why he should seek to deny to others the privilege of doing so. He would rather exercise that charity in reference to matters of opinion that it was the duty of all of them to inculcate in Ireland. Gentlemen had from inadvertence offended against the law, and when they wished to withdraw from the unfortunate position into which they had got, he should not join in any attempt to prevent them doing so.

LORD ROBERT MONTAGU hoped that there would be no division against the original Amendment, because he thought it would be quite sufficient that they should have protested against the bad taste of the proposed mode of exempting the Freemasons.

MR. BUTT also thought that it would be unfortunate to have a division upon the question, though the matter was not such a light one as some persons supposed. The question was now not as to unlawful oaths, but as to societies which had "signs and passwords." Such societies were declared illegal, but Freemasons' societies were exempted from the enactment if they performed certain conditions, which in many cases had not been performed. It was certain that there were Masonic lodges in Dublin which had not complied with this absurd legislation. As, however, it was persons of rank and position who had violated the law, the matter was not treated as being at all serious. It would have been better if there had been a clause indemnifying every one who was in a

similar position, and not simply persons who were members of a particular society, because in such a mode of proceeding there would be nothing of an exceptional kind, neither would it tend, as the proposed Amendment did, to make felony appear respectable in the eyes of the Irish people.

MR. MITCHELL HENRY said, his intention was to vote in favour of liberty and against any restrictions upon the rights of his fellow-subjects. There were, he was aware, societies that had "secret signs," and there was a society called the "Catholic Union Society," but he did not know whether that society had any secret signs or not. ["No, no!"] Well, he did not say that it had; but even if it was proved it had passwords, he would never give a vote which would operate against such a society. He would here say that there ought to be but one law for England and for Ireland.

Amendment (*Mr. Callan*) to said proposed Amendment *negated*.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 311; Noes 3: Majority 308.

Clause, as amended, *agreed to*.

Clause 5 (Continuance of certain parts of Protection of Life and Property in certain Parts of Ireland Act, 1871.)

SIR JOSEPH M'KENNA, in page 4, line 32, moved, as an Amendment, to leave out "seventy-seven," and insert instead "seventy-six," the object of which was to limit the duration of the Westmeath Act to one year. He did not know that it was necessary for him to enter into any general argument on this question, the subject having been already exhausted. The question for the Committee was whether the renewal of the Act for one year only should be adopted.

Amendment *negated*.

MR. BUTT then moved an Amendment to the effect that so much of the Act of 1871 as provided that no writ of Habeas Corpus should issue to bring up the body of any one arrested under it should be repealed. All that could be intended by the measure was that the Lord Lieutenant should have the power of indefinitely detaining a man in custody instead of bringing him to trial at

Mr. Meldon

the next Assizes; but it was unjust and unprecedented that a man so imprisoned should be shut out from his constitutional right to move for a writ of Habeas Corpus to be brought before the Court to obtain its judgment on the legality and sufficiency of the warrant under which he was detained. There was, he contended, no Act previous to the Westmeath Act which took away the right to a writ of Habeas Corpus which existed at Common Law previous to the passing of any statute. That Act, therefore, was in violation of all the usages of English legislation, and he therefore hoped the Amendment would be assented to.

Amendment proposed,

In page 4, line 38, at the end thereof, to add the words "Provided always, That so much of said Act as provides that 'no writ of habeas corpus should issue to bring up the body of any person arrested or committed or detained by force of a warrant issued under the authority of the said Act' shall be and the same is hereby repealed."—(*Mr. Butt.*)

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, the Act in question had been drawn with exceptional severity to meet an exceptional state of things, and carried out in a most complete and accurate way that which was the express intention of the Legislature. The Amendment, if carried, would, to some extent, weaken the effect of the Act, and he should not, therefore, advise the Committee to agree to it. No person arrested under this power would be subjected to unfair treatment, but would be dealt with as an untried prisoner.

SIR GEORGE BOWYER said, the hon. and learned Member had altogether failed to meet the constitutional argument raised by the hon. and learned Member for Limerick. He (Sir George Bowyer) wished it to be understood, as a matter of Constitutional Law, that the clause did what no suspension of the Habeas Corpus Act ever before effected, because it took away from the subject detained under this Act the Common Law right of Habeas Corpus, and deprived the Sovereign of the right to inquire whether the subject was or was not legally detained. The warrant might be wrong in point of law, yet its legality could not be inquired into. He should, therefore, oppose this unconstitutional provision.

MR. SULLIVAN was confident that nine-tenths of those whom he addressed were under the impression that the suspension of the Habeas Corpus Act meant no more than that the Lord Lieutenant might detain a man in prison without bringing him to trial; whereas it went further and gave the Lord Lieutenant the power, if necessary, to send a prisoner beyond the jurisdiction of a writ. What his hon. and learned Friend asked was that Parliament should leave untouched the right of the subject to have the legality of the warrant under which he was detained reviewed by one of the Courts of Common Law. Let them confer, if they would, the simple power of detention on the Lord Lieutenant; but let them leave untouched the right at Common Law which existed before the time of Charles II. of challenging the substance of his procedure, and not place the suspension of the Habeas Corpus Act beyond all law, all supervision, and all review. Let them not give to the Lord Lieutenant of Ireland a power which, rather than confer it upon the Monarch of England, they would first take his head. ["Oh, oh!"] They had done so before, and in the history of England there was no constitutional question that had been more fiercely contested in the interests of popular rights. In the present case, while the Act of Charles II., which they so much boasted of, gave an accused person a right to speedy trial, they were by this Act taking away every constitutional right from the Irish people. Such a clause would give the Lord Lieutenant power to inflict torture in the Irish prisons.

MR. RONAYNE appealed to the Leader of the Opposition to give effect on that occasion to the utterance of the late Prime Minister, when a similar Bill was under discussion in a former year, to the effect that he knew not what was worse than tranquillity purchased by the suspension of the Habeas Corpus Act except civil war. Yet this was the state to which they proposed to reduce Ireland, a country which was at peace and free from agrarian crimes.

MR. M'CARTHY DOWNING reminded the House that in the case of Wolfe Tone, when sentence of death had been passed upon him by a military tribunal for high treason, the Court of Queen's Bench issued its writ of Habeas Corpus—though the Courts had been

closed—on the ground that there had been illegality in the trial and conviction. He protested against a system under which a man could be removed from one gaol to another, without his family knowing where he was incarcerated.

Mr. LAW said, his hon. and learned Friend the Member for Limerick stated that he did not propose by his Amendment to interfere with the really effective part of the clause which empowered the Lord Lieutenant to issue his warrant authorizing the arrest and detention of persons without cause assigned, and without any obligation of bringing them to trial. It appeared to him therefore that the Amendment, leaving untouched that power, was valueless, and not in the least calculated to better secure the rights of the subject. The words, moreover, which were now objected to had been deliberately introduced into the Act by the then Law Officers of the Crown, and approved by the House a few years ago, and he must say he had heard no good reason why they should be omitted. It was a matter of extreme regret to him, as well as those with whom he acted, that exceptional legislation should be still required for Ireland, but, as the necessity unfortunately existed, he thought they might as well continue the Act for a short time longer just as it stood. He supported the clause before the Committee as it stood.

Mr. BUTT said, that even if a prisoner was tortured he could obtain no redress. No Act of Parliament ever contained such a clause as that now in question—a clause which went further than a suspension of the Habeas Corpus Act, and placed a prisoner entirely beyond the pale of the law. Indeed, prisoners had been treated in such a manner that it had wrung from the hon. and learned Member for Sheffield (Mr. Roebuck) the statement that the treatment was terrible. In the case of a man named Casey, the prisoner was most disgracefully treated, and he himself had applied on his behalf for a writ of Habeas Corpus, which was refused by the Judge, who, however, said he would have granted it, but for the existence of the Act. Any imaginable illegality might occur under the Act, and no Court would have the power to inquire into it. This clause if left in its present state would create among the Irish people a rankling hatred of our

legislation, and he, as the clause was not yet passed, might add that it would justly do so. [*Cries of "Divide!"*]

Mr. D. MACGREGOR rose to say a word on a point of Order. He thought they were entitled to hear what hon. Members had to say, and it was quite impossible to do so if all this noise went on. He could not absolve hon. Gentlemen around him and behind him from being very much in the way of his hearing what had been said on this matter. He did not think it was right, and he protested with all his heart against the practice of people chatting and talking very loudly in this manner.

Mr. BUTLER-JOHNSTONE thought they ought to have some explanation from the Treasury Bench for a continuance of those exceptional powers of governing what was supposed to be a free country.

SIR MICHAEL HICKS - BEACH said, that the Westmeath Act, when originally passed, was well considered by the responsible Officers of the Crown. Its provisions being of a very exceptional character, were very carefully worded; and he thought the Committee would be of opinion, that if renewed, it should be renewed in its entirety, and not interfered with by Amendments. Leaving his hon. and learned Friends to deal with the legal aspects of the question, he would say generally that the Government being reluctantly compelled to ask for that renewal of an Act which had proved a most efficient instrument for dealing with the crimes at which it was aimed, could not accept any proposal which might impair the efficiency of that instrument. When the Habeas Corpus Act was suspended, a person might be arrested for any crime and kept in prison without trial; but, in the present case, the arrest must be for a particular offence.

Mr. BUTT reminded the right hon. Gentleman that when the Habeas Corpus Act was suspended in 1865, the warrant which had to be issued was the Lord Lieutenant's. The right hon. Gentleman had given no reason for this exception upon exceptional legislation—one that in the most despotic times no Parliament had ever passed.

THE ATTORNEY GENERAL said, he did not dispute the general principles which had been enunciated by the hon. Member for Louth (Mr. Sullivan), or

Mr. M'Carthy Downing

the hon. Baronet opposite (Sir George Bowyer), with regard to the circumstances which led to the suspension of the Habeas Corpus Act, nor did he say that the provisions of the Act of 1871 were not an exceptional interference with the liberty of the subject; but he did say that in 1871, and again in 1873, it had been thought necessary to sanction such exceptional interference; and, in regard to the present measure, it had been admitted that, to some extent at least, they must continue exceptional legislation, and those who were charged with the preservation of peace in Ireland considered that it would be idle to continue the Act of 1871, if the words referred to in the Amendment were to be removed.

MR. OSBORNE MORGAN said, that the Bill went further than the suspension of the Habeas Corpus Act, for it took away from the Judges all power to interfere in regard to any mode of imprisonment, no matter how arbitrary or cruel. He had heard no answer whatever given to the argument of the hon. and learned Member for Limerick. There was, he believed, no similar provision in any previous Act of Parliament, and he believed it was one of which no lawyer could approve. The argument of the Attorney General came to this—that as they had made a mistake in 1871, and again in 1873, they ought to make the same mistake now.

MR. HERSCHELL took a similar view of the Amendment, and urged upon the Government the propriety of introducing words which would still retain the legal rights of prisoners and of Judges, both of which were taken away by the Bill as it stood. If that was not done, he feared the Bill would cause great mischief in Ireland, where the legislation would be considered more onerous and more severe than any heretofore passed by that House.

THE MARQUESS OF HARTINGTON said, he could assure the Committee that the words to which objection was now taken were not inserted inadvertently in 1871. As the Bill was introduced in 1871 it did not contain these words, but after the measure came down from the House of Lords his learned Friend Baron Dowse thought they were necessary to make the meaning of the Bill perfectly clear. The hon. and learned Member for Limerick (Mr. Butt) raised

exactly the same point in the discussion on the Bill of 1873; and being then in the unfortunate position of having no legal adviser in that House, he himself promised in Committee on the Bill to make inquiry before the Report whether those words were still deemed necessary. The hon. and learned Gentleman appeared to have been satisfied with that assurance, and no division was taken on the clause in Committee; nor, from reference to *Hansard*, did any action seem to have been taken in the matter on the Report. Therefore, he supposed he had then been more fortunate than the legal Gentlemen had been that night in showing that those words were required. ["No."] They certainly were not introduced without due consideration. The hon. and learned Member for Limerick referred to the case of a prisoner named Casey, as establishing the fact that a real practical grievance might arise under the Bill. Now, that man's case was brought forward in a previous year, and he had obtained very full particulars about it. The hon. and learned Gentleman had said his statement of Casey's case drew from the hon. and learned Member for Sheffield (Mr. Roebuck) the declaration that the treatment of the prisoner was terrible, and that it was almost incredible that such a thing could occur in a civilized country. Well, repeated memorials from the prisoner and his friends were sent in, which were fully inquired into, and the medical authorities reported that there was no foundation for the statements that Casey was suffering. Indeed, in a memorial presented towards the close of his imprisonment, Casey himself said he had no cause to complain of his treatment in prison.

MR. BUTT emphatically repeated the declaration he had previously made on affidavits as to Casey's case. Casey was imprisoned for four years without trial, without accusation, without knowing who were his accusers—his father and his family also swearing that up to the time of his arrest they had not heard even a suspicion that he had done any illegal act. Yet, notwithstanding all that the Committee were now told, he had stated he had nothing to complain of; but if he wanted an argument to prove the necessity of allowing the broad light of English law to penetrate

into the prisons in which these unhappy men were confined, it would be found in the abject declaration referred to of a man dependent on the good-will of his gaolers. He asked again, had his challenge been answered? Had anyone shown him a single Act of Parliament in which the provision in question had ever been contained?

SIR MICHAEL HICKS-BEACH reminded the hon. and learned Gentleman that he was not quite accurate in saying that Casey was confined for four years. The period of his imprisonment was only two and a-half years, he being put in prison on the 13th December, 1871, and released in the month of July, 1874.

MR. SULLIVAN read a passage from the affidavit of the man's father, who stated that he had no knowledge of the offence for which his son had been arrested; that he had been kept a long time in prison; that he had not been allowed to speak as to the state of his health; and that he believed if he had the opportunity given him he would be able to refute any charge which might be made against him. Now, such a case as that, he contended, would be a disgrace to the most despotic Government in Europe.

MR. MUNDELLA said, that although the man was not in prison for four years, he was arrested without a warrant, kept in prison without trial, and discharged without anything having been alleged against him. Such a proceeding was a disgrace to civilization and to a constitutional system. In order to put an end to such an atrocious system, he should vote for the Amendment of the hon. and learned Member for Limerick.

MR. MITCHELL HENRY said, that the very object of this Act was to permit of persons being arrested without a warrant. But, he asked, was anything more than mere imprisonment intended? In the case under notice, the prisoner was arrested because he was suspected, and kept in solitary confinement for between three and four years, and debarred from all communication with his family. His belief was that the man was forgotten, and remained in prison until his case was brought before the House. It excited great astonishment, and the hon. and learned Member for Sheffield characterized the transaction in terms justly befitting it. The right hon. Baronet promised to make inquiry. He did so,

and in the most secret manner the man was immediately released. That showed that, in the opinion of the right hon. Baronet, there was neither sufficient ground for bringing the man to trial nor for keeping him in prison. The same kind of legislation was now proposed when there was not a single person in prison. If this Bill should pass, he trusted the House would pass it in such a shape that if a man was imprisoned he should not be prevented from bringing his case before the Courts to ascertain whether the warrant was lawfully granted or not.

MR. CALLAN said, that the Home Rule Party had repudiated the Leadership of the noble Marquess (the Marquess of Hartington), and he was glad of the opportunity to declare that the English Liberal Party, with whom the Home Rulers wished to act, repudiated that Leadership also.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 113; Noes 238: Majority 125.

MR. BUTT moved that the Chairman report Progress, and ask leave to sit again.

MR. DISRAELI thought the best thing the Committee could do would be to proceed with the Bill, and so avoid a Morning Sitting.

MR. SULLIVAN was willing to proceed with the Bill; but if it was intended to have a Morning Sitting, he thought the House ought to adjourn as soon as possible.

MAJOR O'GORMAN failed to see why there should be a Morning Sitting, and hoped somebody would divide the House upon the subject.

Motion agreed to.

House resumed.

Committee report Progress.

Motion made, and Question proposed, "That this House will this day, at Two of the Clock, again resolve itself into the said Committee."

MAJOR O'GORMAN moved that the House meet at 4 to-morrow instead.

MR. BIGGAR seconded the Motion.

Amendment proposed, to leave out the words "Two of the Clock."—(Major O'Gorman.)

Mr. Butt

Question proposed, "That the words 'Two of the Clock' stand part of the Question."

MR. SULLIVAN appealed to his hon. and gallant Friend to withdraw the Motion, as there was a clear understanding that there was to be a Morning Sitting.

Amendment, by leave, *withdrawn*.

Committee to sit again *To-morrow*, at Two of the clock.

EDUCATION (SCOTLAND) (SUTHERLAND AND CAITHNESS) BILL.

(*The Marquess of Stafford, Sir John Sinclair, Sir Robert Anstruther, Mr. Whitbread.*)

[BILL 145.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*The Marquess of Stafford.*)

MR. DALRYMPLE said, he must object to the Bill, which, though a small one, was a selfish one also. It was introduced by the landed proprietors of the two counties referred to, and its purpose was to extend certain privileges in the Act of 1872 which were accorded to the counties of Ross, Argyll, and Inverness, to Sutherland and Caithness. It might be right or wrong to extend these privileges; but the extension meant adding taxation to the rest of the country, and the people of Scotland were already suffering very severely from the taxation imposed upon them by the Scotch Education Act. Such a Bill as that ought to be introduced at least on the authority of the Government. He (Mr. Dalrymple) did not say that the principle of the privilege was wrong, but it wanted inquiring into. There were many who thought that the application of the privilege should be to parishes where the rate was high, and not to counties where there was great inequality in the rates. It was well known that in the counties which now enjoyed the privilege the rate was by no means equally high; and even in the counties which the Bill referred to, Caithness did not, in respect to all cases, stand on the same footing with Sutherlandshire. But, more than that, this Bill proposed to meddle with the incidence of the rate in a piecemeal fashion,

and he (Mr. Dalrymple) was specially anxious that the point should not be prejudged, before he ascertained whether the whole question was to be considered during the present Session. He had no special love for the Education Act, but it was an Act which had been very skilfully drawn—as no one could doubt—and it would not be easy to amend it in a nibbling way. If Amendment were needed, it should be done on the authority of Her Majesty's Government. The time would, no doubt, come when the Education Act would be more thoroughly understood than it was at present, and then he was quite sure there would be an outcry against the taxation incident to it. In the meantime, he objected to a Bill like that being introduced, until the time had come for dealing with it in a comprehensive way.

MR. WHITBREAD said, he did not think the hon. Gentleman had a right to characterize the Bill as a selfish one, because it simply proposed to relieve two Highland counties from exceptional taxation. The counties of Sutherland and Caithness had been omitted from the Education Act by accident, and they had a right to be placed on the same footing as Ross, Argyll, and Inverness.

SIR TOLLEMACHE SINCLAIR also bore testimony to the fact that the Education Act operated very severely on the ratepayers of Caithness and Sutherland, and that this Bill would simply do an act of justice.

THE CHANCELLOR OF THE EXCHEQUER said, that during the passage through the House of the Scotch Education Act in 1872, the then Lord Advocate introduced a special clause to meet the case of the counties of Inverness, Cromarty, Ross, and Argyll. More recently the noble Lord who introduced this measure (the Marquess of Stafford) represented to the noble Duke the President of the Council (the Duke of Richmond) the advantage of extending that clause to Sutherlandshire; but the Government thought it would not be advisable for them to bring forward a Bill on the subject. The Government, however, informed the noble Lord that they would not offer any opposition to a measure which would simply give to Sutherland and Caithness the same advantages in respect to education as had been granted to the counties of Inver-

ness and Ross. The Bill, he believed, would do nothing further than that; and, therefore, on the part of the Government, he would support the second reading. At the same time, they reserved to themselves a discretion as to the course they would pursue in case of the introduction of a measure on larger principles.

MR. DALRYMPLE said, he had never doubted that the case of Sutherlandshire was a very hard one; but he contended there were other counties in as bad a condition in particular localities. It now appeared that an arrangement had been made between the noble Marquess and the noble Duke the President of the Council, and therefore he would not press his objection to the Bill at that stage, though he might say that the arrangement had been made unknown to Scotch Members, whose ignorance was the more pardonable as he did not think all the Members of the Government were aware of the arrangement which had been entered into that the Bill should not be opposed.

MR. HUNT said, as one of those Members, he was perfectly aware of the arrangement.

SIR JOHN LUBBOCK thought that the House should have some explanations concerning the Bill, which seemed to throw a portion of the charge for education in Scotland on the English taxpayer.

MR. RAMSAY said, the sole object of the Bill was to provide that in parishes in these two counties in which there was a rate of 9*d.* in the pound, the Education Department should have power to make grants towards the erection of schools' buildings.

SIR GRAHAM MONTGOMERY was of opinion a Bill like that ought to have been in the charge of the Government, and not in the hands of a private Member.

Motion agreed to.

Bill read a second time, and *committed for Thursday.*

MR. DALRYMPLE gave Notice that on the Motion for going into Committee, he should move that the House go into Committee on the Bill that day month.

Debate adjourned at half after
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 Mr. Stephen Cave, Mr. Campbell-Banner-
 man, Sir Graham Montgomery, nominated
 Members of the said Committee

Moved, "That Sir John Lubbock be one other
 Member of the said Committee ;" Question
 put ; A. 184, N. 58 ; M. 126

Moved, "That Mr. Hubbard, &c. ;" Question
 put ; A. 160, N. 66 ; M. 94

Moved, "That Mr. Anderson, &c. ;" after
 short debate, Question put, and agreed to ;
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 sist of Twenty-three Members" (*Mr. M'Laren*)
 April 20, 1358 ; after short debate, Question
 put ; A. 48, N. 119 ; M. 71

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(*Mr. Lopes, Mr. Gregory*)

c. Committee*; Report April 20 [Bill 130]

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(*Sir Henry Selous-Ibbelton, Mr. Secretary Cross*)

c. Ordered; read 1* April 16 [Bill 124]

Read 2* April 19

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Read 3* April 28

l. Read 1* (*Earl Beauchamp*) April 29 (No. 74)

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l. Read 1st * Mar 19 (No. 43)
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(*Sir Windham Anstruther, Mr. Orr Ewing, Mr. Grieve, Mr. William Holms*)

c. Bill withdrawn * Mar 22 [Bill 73]

Burghs and Populous Places (Scotland) Gas Supply (No. 2) Bill

(*Sir Windham Anstruther, Mr. Orr Ewing, Mr. Grieve, Mr. William Holms*)

c. Ordered; read 1st * Mar 22 [Bill 104]

Burials Bill [Bill 11] (*Mr. Osborne Morgan, Mr. Shaw Lefevre, Mr. M'Arthur, Mr. Richard*)
c. Moved, "That the Bill be now read 2^o" April 21, 1863

Amendt. to leave out "now," and add "upon this day six months" (*Colonel Egerton Leigh*); after long debate, Question put, "That 'now,' &c.;" A. 234, N. 248; M. 14 Words added; main Question, as amended, put, and agreed to; 2R. put off for six months

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The Church Services—Refusal of Burial Service, Questions, Mr. Serjeant Simon, Mr. Heygate; Answers, Mr. Asheton Cross April 20, 1283
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The Vicarage of Halifax, Question, Lord Frederick Cavendish; Answer, Mr. Disraeli May 3, 1960

Church Patronage Bill [H.L.]*(The Lord Bishop of Peterborough)*

l. Report * April 30 (Nos. 12-79)

Church Rates Abolition (Scotland) Bill

(Mr. McLaren, Dr. Cameron, Mr. Baxter, Mr. Trevelyan, Mr. Grieve, Mr. Laing, Sir George Balfour) [Bill 26]

c. Moved, "That the Bill be now read 2^a" April 28, 1780

Amendt. to leave out "now," and add "upon this day six months" (*Sir Graham Montgomery*); Question proposed, "That 'now,' &c.;" after debate, Debate adjourned

Civil Service Inquiry Commission—The Report

Question, Mr. Dunbar; Answer, The Chancellor of the Exchequer April 22, 1447;
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Royal Assent Mar 19 [38 Vict. c. 2]

Consolidated Fund {£880,522 1s. 4d.} Bill*(The Lord President)*l. Read 3^a * Mar 18

Royal Assent Mar 19 [38 Vict. c. 1]

Consolidated Fund (£15,000,000) Bill

(Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith)

c. Considered in Committee April 16

Bill ordered; read 1^o * April 19Read 2^o * April 22

Committee *; Report April 23

Read 3^o * April 26l. Read 1^a * (*The Lord President*) April 27Read 2^a * April 29

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c. Moved, "That the Bill be now read 2^o"
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 Amendt. to add at end of Question "and for purposes of refuge and Channel communication" (Sir Edward Watkin); Question, "That those words be there added," put, and agreed to; main Question, as amended, put, and agreed to
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 Railway Companies (Rolling Stock), Motion for Returns, 1632
 Railway Trains Regulation, 2R. 1624

EARP, Mr. T., Newark
 Artizans Dwellings, Comm. cl. 2, 52, 60

East India Home Government (Pensions) Bill (Lord George Hamilton, Mr. William Henry Smith)

c. Adjourned Debate [15th March] resumed
 Mar 18, 70 [Bill 74]
 Main Question withdrawn
 Moved, "That the Bill be re-committed, in respect of Clause 1" (Lord George Hamilton); after short debate, Debate adjourned
 Adjourned Debate resumed Mar 23, 206
 Motion withdrawn; Bill withdrawn

EDMONSTONE, Admiral Sir W., *Stirlingshire*

Army—Central Arsenal, 1940
 High Court of Justiciary (Scotland), 2R. 1750
 Licensing Courts Appeal (Scotland), 2R. 1773

EDUCATION***Elementary Education Act, 1870***

Voluntary Schools, Question, Mr. Mundella ;
 Answer, Viscount Sandon April 15, 971
Board School at Holyhead, Question, Observa-
 tions, Lord Stanley of Alderley ; Reply, The
 Duke of Richmond April 20, 1276
Public Teachers on School Boards, Question,
 Mr. Stevenson ; Answer, Viscount Sandon
 April 26, 1634

Education Department

*Compulsory Attendance — Inefficient Private
 Schools*, Question, Mr. Norwood ; Answer,
 Viscount Sandon April 16, 1113

*Military Training—Public Schools and Train-
 ing Ships*, Observations, The Earl of Lauderdale
 ; Reply, The Duke of Richmond ; short
 debate thereon April 19, 1202

The New Code (1875), Questions, Sir John
 Kennaway, Mr. W. E. Forster ; Answers,
 Viscount Sandon Mar 23, 225 ; Question,
 Mr. Salt ; Answer, Viscount Sandon Mar 18,
 28

**Education (Scotland) (Sutherland and
 Caithness) Bill**

(*The Marquess of Stafford, Sir John Sinclair,
 Sir Robert Anstruther, Mr. Whitbread*)

c. Resolution [April 23] reported, and agreed to ;
 Bill ordered ; read 1^o April 29 [Bill 145]
 Read 2^o, after short debate May 3, 2001

**EGERTON, Hon. A. F. (Secretary to the
 Board of Admiralty), *Lancashire, S.E.***

Navy—Naval Cadets, College for, 653
 Navy Estimates—Medicine and Medical Stores,
 &c. 661
 Seamen and Marines, 655
 Slander, Law of, Res. 821

EGERTON, Hon. Admiral F., *Derbyshire, E.*

Navy—Naval Cadets, College for, 652

EGERTON, Hon. Wilbraham, *Cheshire, Mid.*

Contagious Diseases (Animals) Act, 1869, 974

Egypt—Judicial Tribunals

Question, Mr. Baillie Cochrane ; Answer, Mr.
 Bourke May 3, 1953

ELCHO, Lord, *Haddingtonshire*

Ancient Monuments, 2R. 894
 Army—Artillery—Woolwich System of Rifling,
 815
 Army Estimates—Commissariat and Ordnance
 Store Establishments, 336
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ELCHO, Lord—cont.

Warlike Stores, 339, 343, 344
 Works, Buildings, &c. 346
 Yeomanry Cavalry, 327
 Army Organization—Recruits, Res. 1287, 1357
 Navy—General Turnpike Acts—Liability of
 the Coastguard, 1953
 Parliament—Queen v. Castro—Petitions, 1221

**Elementary Education Provisional Order
 Confirmation (Brighton) Bill [H.L.]**

(*The Lord President*)

l. Committee^o ; Report April 9 (No. 32)
 Read 3^o April 12
 c. Read 1^o (*Viscount Sandon*) April 19 [Bill 129]
 Read 2^o April 22
 Committee^o ; Report May 3

**Elementary Education Provisional Orders
 Confirmation (Caister, &c.) Bill [H.L.]**

(*Viscount Sandon*)

c. Committee^o ; Report Mar 22 [Bill 88]
 Moved, "That the Bill be now read 3^o"
 Mar 23, 295
 Moved, "That the House do now adjourn"
 (*Captain Nolan*) ; after short debate, Motion
 withdrawn ; original Question put, and
 agreed to ; Bill read 3^o

ELPHINSTONE, Lord

Naval Ordnance—Breech-Loaders and Muzzle-
 Loaders, Motion for Returns, 1879

ELPHINSTONE, Sir J. D. H., *Portsmouth*

Church Rates Abolition (Scotland), 2R. 1798

ERRINGTON, Mr. G., *Longford Co.*

Ireland—Trinity College, Dublin, 1442
 Palace of Westminster—Frescoes, 26

ESLINGTON, Lord, *Northumberland, S.*

Merchant Shipping Acts Amendment, 2R. 527
 Peace Preservation (Ireland), Comm. cl. 3,
 1969

EWING, Mr. A. Orr, *Dumbartonshire*

Licensing Courts (Scotland), 2R. 1769
 Sheriff Courts (Scotland), 2R. 1758

**EXCHEQUER, CHANCELLOR of the (see
 CHANCELLOR of the EXCHEQUER)****Exeter Union of Benefices Bill [H.L.]**

(*The Lord Bishop of Exeter*)

l. Presented ; read 1^o April 19 (No. 58)
 Order for 2R. discharged April 29

**Exhibition Commissioners of 1851—Further
 Report**

Question, Mr. W. Gordon ; Answer, Mr.
 Asheton Cross April 20, 1280

Explosive Substances Bill

(*Mr. Secretary Cross, Sir Henry Selwyn-Ibbetson, Mr. William Henry Smith*)

c. Committee *—*n.p.* April 5 [Bill 76]

Committee; Report April 22, 763

Considered * April 19 [Bill 115]

Considered * April 23

Committee *; Report; Considered April 26

Read 3^d * April 28

l. Read 1st * (*Earl Beauchamp*) April 29 (No. 75)

Read 2^d, after short debate May 3, 1949

**Factory and Workshop Regulation Acts—
The Royal Commission—Women in
Factories**

Question, Mr. William Holms; Answer, Mr. Ascheton Cross April 15, 970

Falsification of Accounts Bill

(*Sir J. Lubbock, Mr. Freshfield, Mr. Russell Gurney, Mr. Kirkman Hodgson, Mr. Lopes*)

c. Ordered; read 1^o * April 15 [Bill 121]

Read 2^o * April 22

Committee *—*n.p.* April 28

Committee *; Report April 30

Considered * May 3

FAWCETT, Mr. H., Hackney

Artizans Dwellings, Comm. 38; *cl.* 2, 51, 56; Amendt. 62; *cl.* 5, 124, 125; Amendt. 126, 127, 129, 130; *cl.* 7, Motion for reporting Progress, 131; Amendt. 732, 734; Amendt. 735, 738, 741, 744; Amendt. 752, 756, 757; *cl.* 8, Amendt. *ib*

Indian Museum—South Kensington, 23

Parliament—Privilege—Queen v. Castro—

Prittlewell Petition, Report, 1016

Parliamentary Elections (Returning Officers), Comm. Amendt. 400; Schedule 3, 417

Peace Preservation (Ireland), Comm. *cl.* 3, 1965

Ways and Means—Financial Statement, Res. 1060

FAY, Mr. C. J., Cavan Co.

Peace Preservation (Ireland), 2R. 203; Comm. 1479; *cl.* 3, Amendt. 1844, 1848; Amendt. 1861, 1862, 1964; Amendt. 1975

FERGUSON, Mr. R., Carlisle

Ancient Monuments, 2R. 906

FEVERSHAM, Earl of

Justices of the Peace Qualification, Comm. *add. cl.* 1685

**FIELDEN, Mr. J., Yorkshire, W.R.,
E. Div.**

Brewers' Licence Duty, Res. 389

Sale of Food and Drugs, Re-comm. *cl.* 3, 1264

**FITZGERALD, Right Hon. Sir W. S.,
Horsham**

India—Guikwar of Baroda, 1828

**Foreign Affairs—See titles Turkey—
Germany and Belgium—Spain—
United States**

**Foreign Affairs—France—Declaration of
Paris (1856)**

Moved, "That, in consequence of a Conference having been held at Brussels in 1874 on International Law, and the proposed renewal of the Conference at St. Petersburg this year, a favourable opportunity is afforded to the Country of withdrawing from the Declaration of Paris of 1856, and thus maintaining our maritime rights, so essential to the power, prosperity, and independence of the Empire" (*Mr. Baillie Cochrane*) April 13, 822; Previous Question moved and put, after long debate (*Mr. Cartwright*); A. 36, N. 261; M. 225

Explanation, Mr. Baillie Cochrane April 15, 976

**Foreign Affairs—Treaties of Vienna
(1815) and Paris (1856)—Great
Britain, Austria and France**

Moved, that an humble Address be presented to Her Majesty for, Copies of the Treaty between Great Britain, Austria, and France, signed at Vienna 3rd of January 1815, and of the Treaty between Great Britain, Austria, and France, signed at Paris 15th of April 1856 (*The Lord Stratheden and Campbell*) April 19, 1192; after short debate, on Question? resolved in the negative

Foreign Loans Registration (No. 2) Bill

(*Mr. H. B. Sheridan, Mr. Charles Lewis, Mr. M. Lagan*)

c. Read 2^o * Mar 23

[Bill 94]

FORSTER, Sir C., Walsall

Parliament—Privilege—Queen v. Castro—

Prittlewell Petition, Report, 983

FORSTER, Right Hon. W. E., Bradford

Ancient Monuments, 2R. 891

Artizans Dwellings, Comm. *cl.* 5, 127

Burials, 2R. 1404

Criminal Law—Luke Hills, Case of, Motion for an Address, 109

Education Department—New Code (1875), 228

Mutiny, Comm. 69

Parliament—Public Business, 1893

Parliamentary and Municipal Elections Act,

Motion for a Committee, 99

Peace Preservation (Ireland), Comm. *cl.* 3, 1898, 1899, 1900, 1904

Public Petitions, Committee on—Queen v. Castro—Prittlewell Petition, Report, 715,

1282

Sale of Food and Drugs, Re-comm. *cl.* 3, 1264,

1267

FORSYTH, Mr. W., Marylebone

Army—Knightsbridge Barracks, 20
Burials, 2R. 1389
France—Declaration of Paris (1856), Res. 862
India—Bank of Bombay, Res. 632
Peace Preservation (Ireland), Comm. cl. 2, 1669, 1674
Sale of Food and Drugs, Re-comm. cl. 3, 1264, 1267
Women's Disabilities Removal, 2R. 418, 480, 454a, 455a

FORTESCUE, Earl

Agricultural Holdings (England), Comm. cl. 6, 1436
Military Training—Public Schools and Training Ships, 1204
Pollution of Rivers, 1R. 1889

France—Declaration of Paris (1856)—
see title *Foreign Affairs*

FRASER, Sir W. A., Kidderminster

Olerkenwell House of Detention, Address for Copy of Rule 75, 1361
Criminal Law—Unconvicted Prisoners, 17, 110, 113
Slander, Law of, Res. 811, 818, 891

Free Libraries and Museums Act Amendment Bill (Mr. Mundella, Sir John Lubbock, Mr. Kay-Shuttleworth)

c. Ordered; read 1^o April 14 [Bill 119]

Freesons (Ireland)—The Return

Question, Lord Robert Montagu; Answer, Sir Michael Hicks-Beach April 9, 606

FRENCH, Hon. C., Roscommon

Glebe Loan (Ireland) Act, 1870, 139
Peace Preservation (Ireland), Comm. cl. 3, 1901

French Labour Laws Commission

Question, Sir Charles W. Dilke; Answer, Mr. Bourke April 13, 781

FRESHFIELD, Mr. C. K., Dover

Artizans Dwellings, Comm. add. cl. 1242
Dover Pier and Harbour, 2R. 357

Friendly Societies Commission—Annual Rate of Mortality

Question, Mr. Charley; Answer, The Chancellor of the Exchequer April 22, 1443

GARDNER, Mr. J. T. Agg., Cheltenham

India—Torekler, Mr., Case of, 1826

Gas and Water Orders Confirmation Bill [N.L.] (The Lord Dunsmore)

l. Presented; read 1^o; and referred to the Examiners April 26 (No. 70)

Germany and Belgium—International Obligations

Question, Mr. Sandford; Answer, Mr. Bourke April 9, 804; Question, Mr. Owen Lewis; Answer, Mr. Disraeli April 12, 718; Question, Mr. O'Reilly; Answer, Mr. Disraeli April 19, 1212
Question, Observations, Earl Russell; Reply, The Earl of Derby April 19, 1199
Moved, that an humble Address be presented to Her Majesty for, Copies of the recent correspondence between the Governments of the Emperor of Germany and the King of the Belgians, with an account of the steps taken to ascertain the truth of the allegations referred to in the said correspondence (*The Earl Russell*) May 3, 1944; after short debate, Debate adjourned

GIBSON, Mr. E., Dublin University

Artizans Dwellings, Comm. 45; cl. 13, 760
Irish National Manuscripts, Fac-Similes of, 1208
Peace Preservation (Ireland), 2R. 241; Comm. cl. 2, 1673; cl. 3, 1975; cl. 4, Amendt. 1983, 1985

GLADSTONE, Right Hon. W. E., Greenwich

Brewers' Licence Duty, Res. 388
Burials, 2R. 1375

Glebe Lands (Ireland) Bill

(Mr. Mulholland, Mr. Bruen, Viscount Crichton)
c. Considered * Mar 19 [Bill 23]

Read 3^o * Mar 22

l. Read 1^o * (*Earl of Belmore*) April 8 (No. 47)
Read 2^a * April 20
Committee; Report April 29
Read 3^a * May 3

GOLDNEY, Mr. G., Chippenham

Artizans Dwellings, Comm. 37; cl. 2, 55; cl. 3, 115, 118; cl. 4, 122; cl. 5, Amendt. 129
Parliamentary Elections (Returning Officers), Comm. Schedule 3, 417
Peace Preservation (Ireland), Comm. cl. 3, 1833, 1856

GOLDSMID, Mr. J., Rochester

Law Courts, The New, 1634
Metropolis—Parliament Street, Widening of, 1959
National Gallery, 622
Parliament—Privilege—Loans to Foreign States Committee, 1131
Post Office Savings Bank Department, 468a, 1110

GORDON, Mr. W., Chelsea

Artizans Dwellings, Comm. cl. 2, 65
Exhibition Commissioners of 1851, Report, 1280
Sale of Food and Drugs, Re-comm. cl. 3, 1264

GORST, Mr. J. E., Chatham

Master and Servant Act, 1825

GOSCHEN, Right Hon. G. J., *London*

Artizans Dwellings, Comm. *cl.* 15, 1236
 Navy—H.M.S. "Devastation," 1891
 Naval Cadets, College for, 652
 Navy Estimates—Admiralty Office, 657
 Coast Guard Service, &c. 658, 659
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 Peace Preservation (Ireland), Comm. *cl.* 3, 1842

GOURLY, Mr. E. T., *Sunderland*

Army Estimates—Commissariat and Ordnance
 Store Establishments, Amendt. 335
 Volunteer Corps, Amendt. 327
 Yeomanry Cavalry, 326
 Artizans Dwellings, Comm. *cl.* 1, 49; *cl.* 2, 51; *cl.* 16, Amendt. 1239
 Merchant Shipping Acts Amendment, 363;
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 Navy Estimates—Coastguard Service, 659
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GRANTHAM, Mr. W., *Surrey, E.*

Bank Holidays Act (1871) Extension and
 Amendment, Comm. 394
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GRANVILLE, Earl

Agricultural Holdings (England), 2R. 958;
 Comm. *cl.* 30, 1439; *cl.* 35, 1440
 Great Britain, Austria, and France—Treaties
 of Vienna (1815) and Paris (1856), Address
 for Copies, 1198
 Justices of the Peace Qualification, 2R. 774,
 776
 Supreme Court of Judicature Act (1873)
 Amendment, 2R. 1081; Comm. 1495; Re-
 port, 1818

GREENE, Mr. E., *Bury St. Edmunds*

Horses, Exportation of—Deterioration of the
 Breed, Res. 1731

GREGORY, Mr. G. B., *Sussex, E.*

Artizans Dwellings, Comm. 44; *cl.* 13, 762
 Criminal Law—Luke Hills, Case of, Motion for
 an Address, 105
 India—Bank of Bombay, Res. 624
 Parliamentary Elections (Returning Officers),
 Comm. 408; Schedule 1, 414, 416
 Peace Preservation (Ireland), Comm. *cl.* 3,
 1852
 Sale of Food and Drugs, Re-comm. *cl.* 3,
 1264; *cl.* 4, 1271

GREY, Earl

Natal—Kaffir Outbreak, Motion for an Address,
 664, 713
 Supreme Court of Judicature Act (1873)
 Amendment, 2R. 1091

GRIEVE, Mr. J. J., *Greenock*

Merchant Shipping Acts Amendment, 2R. 514

GURNEY, Right Hon. R., *Southampton*

Offences against the Person, 2R. 918; Comm.
cl. 4, Amendt. 1274
 Parliament—Queen v. Castro—Petitions, 1221

HALIFAX, Viscount

Agricultural Holdings (England), Comm. *cl.* 5,
 1425; *cl.* 35, 1441
 Indian Legislation, 2R. 780; Comm. 1206

HAMILTON, Marquess of, *Donegal Co.*

Irish Salmon Fisheries, 720
 Peace Preservation (Ireland), Comm. *cl.* 3,
 1857

HAMILTON, Lord C. J., *Lynn Regis*

Army Estimates—Works, Buildings, &c. 346
 Foreign Loans, Committee on—Paraguayan
 Loan, 607
 Peace Preservation (Ireland), Comm. *cl.* 3,
 1856

**HAMILTON, Lord G. F. (Under Secretary
of State for India), *Middlesex***

East India Home Government (Pensions), 3R.
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 India—Miscellaneous Questions
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 Banda and Kirwee Prize Booty, 470a, 972
 Baroda, Guikwar of—Proceedings before
 the Commission, 717;—Proclamation of
 the Viceroy, 1510, 1828
 Burmah—Mandalay, British Subjects in,
 1510
 Chatterton, Captain J. B., Case of, 19
 Rangoon—West of China, Reports, 1449
 Roman Catholic Chaplains, 225
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HAMPTON, Lord

Agricultural Holdings (England), Comm. *cl.* 5,
 1426
 Church of England—Church Buildings and
 Restoration, Returns, 1620
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HANBURY, Mr. R. W., *Tamworth*

East African Slave Trade, 471a
 India—Margary, Mr., Massacre of, at Man-
 wine, 1638
 Navy—East African Slave Trade—Cruisers,
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HANKEY, Mr. T., *Peterborough*

India—Prince of Wales, Visit of, 972
 Ways and Means—Financial Statement, Res.
 1059

"*Hansard's Debates*"

Question, Lord Robert Montagu; Answer, Mr.
 W. H. Smith; Notice, Lord Robert Montagu
April 5, 298

Harbours of Refuge—Bristol Channel

Amendt. on Committee of Supply April 16, To leave out from "That," and add "in the opinion of this House, the construction of a Harbour of Refuge at Lundy Island, which was suggested by the Royal Commission of 1859, demands the serious and early attention of the Government as a work of national importance" (*Mr. Monk*), *v.* 1152; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

HARCOURT, Sir W. G. V., *Oxford City*

Ancient Monuments, 2R. 900
Army — Fortifications and Localization of Forces, 1636
France—Declaration of Paris (1856), Res. 854
Merchant Shipping Acts Amendment, 2R. 553
Mutiny, Comm. *cl.* 1, 69
Parliament—Privilege (Publication of Proceedings of Foreign Loans Committee), 800, 803, 1121; Amendt. 1149, 1150
Parliamentary Elections (Returning Officers), Comm. 410; Schedule 1, 415
Peace Preservation (Ireland), Comm. *cl.* 3, 1838, 1862
Revenue, The—Returns, 1827

HARDCASTLE, Mr. E., *Lancashire, S.E.*

Artizans Dwellings, Comm. *cl.* 4, Amendt. 120; *cl.* 5, 128

HARDY, Right Hon. Gathorne (Secretary of State for War), *Oxford University*

Army—Miscellaneous Questions
Accountants, Department of, 1957
Actuarial Calculations, 1894
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Army Organization—Recruits, Res. 1845
Mutiny, Comm. 69; *cl.* 107, 134, 135
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HARDY, Mr. J., *S. Rye*

Artizans Dwellings, Comm. *cl.* 2, 61; *cl.* 5, 127

HARRISON, Mr. J. F., *Kilmarnock, &c.*

Artizans Dwellings, Comm. *cl.* 5, 130

HARROWBY, Earl of

Justices of the Peace Qualification, 2R. 771
Supreme Court of Judicature Act (1873) Amendment, Comm. *cl.* 16, 1506

HARTINGTON, Right Hon. Marquess of, *New Radnor*

Army Organization—Recruits, Res. 1354
Elementary Education Provisional Orders Confirmation (Caister, &c.), 3R. 296
Municipal Corporations (Ireland), 2R. 1190
Parliament—Miscellaneous Questions
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Peace Preservation (Ireland), Comm. 1489; *cl.* 5, 1997

HATHERLEY, Lord

Supreme Court of Judicature Act (1873) Amendment, 1R. 597, 600, 601; Comm. *cl.* 4, 1501; *cl.* 16, 1506; Report, 1814

HATHERTON, Lord

Agricultural Holdings (England), Comm. *cl.* 35, 1440

HAVELOCK, Sir H. M., *Sunderland*

Army—Actuarial Calculations, 1893
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Army Estimates—Administration of the Army, 351
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Peace Preservation (Ireland), Comm. 1661; *cl.* 3, 1901

HAY, Admiral Right Hon. Sir J. C. D.,
Stamford
 France—Declaration of Paris (1856), Res.
 834
 Navy—Ironclad Ships, 22
 Navy Estimates—Army Department (Convey-
 ance of Troops), 663
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HAYTER, Mr. A. D., Bath
 Army—Accountants, Department of, 1957

HENLEY, Right Hon. J. W., Oxfordshire
 Ancient Monuments, 2R. 892
 Artizans Dwellings, Comm. cl. 7, 735
 Sale of Food and Drugs, Re-comm. cl. 3,
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HENNIKER, Lord
 Agricultural Holdings (England), 2R. 936;
 Comm. cl. 6, Amendt. 1432

HENRY, Mr. Mitchell, Galway Co.
 Parliament—Debates, Publication of—Exclu-
 sion of Strangers, 1892
 Peace Preservation (Ireland), Comm. cl. 4,
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HERBERT, Mr. H. A., Kerry Co.
 Ireland—Cork Grand Jury—Personal Expla-
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HERMON, Mr. E., Preston
 Artizans Dwellings, Comm. cl. 4, 121
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HERSCHELL, Mr. F., Durham
 Artizans Dwellings, Comm. cl. 13, 760
 Parliament—Privilege—Queen v. Castro—Prit-
 tlewell Petition, Report, 989
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 1997

**HERTFORD, Marquess of (Lord Cham-
 berlain)**
 Public Entertainments (Hour of Opening),
 2R. 1631

HERVEY, Lord F., Bury St. Edmunds
 Ancient Monuments, 2R. 885
 Sale of Food and Drugs, Re-comm. cl. 5,
 Amendt. 1272

HEYGATE, Mr. W. U., Leicestershire, S.
 Artizans Dwellings, Comm. cl. 2, 60
 Burials, 2R. 1380
 Church Services—Refusal of Burial Service,
 1284

High Court of Justiciary (Scotland) Bill
*(Mr. Charles Cameron, Mr. Macdonald, Mr.
 Mackintosh, Mr. William Holmes)*

c. Moved, "That the Bill be now read 2^o"
April 28, 1736
 Amendt. to leave out "now," and add "upon
 this day six months" (*Mr. Montgomerie*):
 Question proposed, "That 'now,' &c.;"
 after debate, Amendt. withdrawn
 Main Question put, and agreed to; Bill read 2^o

HILL, Mr. A. Staveley, Staffordshire, W.
 Parliament—Privilege—Queen v. Castro—
 Prittlewell Petition, Report, 991, 1187

HODGSON, Mr. W. N., Cumberland, E.
 Banks of Issue, Nomination of Committee,
 Amendt. 866
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 130; cl. 7, 740; cl. 15, 1237
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**HOLKER, Sir J. (see SOLICITOR GENERAL
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HOLMS, Mr. J., Hackney
 Brewers' Licence Duty, Res. 370
 Civil Service Commission, Reports of the, 1822
 Post Office—Revenue Returns, 77

HOLMS, Mr. W., Paisley
 Artizans Dwellings, 3R. Amendt. 1841
 Factory and Workshop Acts—Women in Fac-
 tories, 970

HOLT, Mr. J. M., Lancashire, N.E.
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HOME, Captain D. Milne, Berwick
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**HOPE, Mr. A. J. Beresford, Cambridge
 University**
 Ancient Monuments, 2R. 887
 National Gallery, 609
 Women's Disabilities Removal, 2R. 462

HOPWOOD, Mr. C. H., Stockport
 Emigration of Children to Canada, 782
 Metropolis—Cab Law, 1107
 Parliament—Privilege—Queen v. Castro—
 Prittlewell Petition, Report, 985

**Horses, Export of—Deterioration of the
 Breed**

Moved, "That this House views with appre-
 hension the large and continued export of the
 best and soundest stud horses and brood
 mares for general purposes from this Coun-
 try, and wishes to direct the attention of Her
 Majesty's Government to the national im-
 portance of taking such steps as may be de-

[cont.]

Horses, Export of—Deterioration of the Breed
—cont.

sirable to prevent the deterioration of the stock which remains" (*Mr. Chaplin*) *April 27, 1894*; Previous Question proposed, "That that Question be now put" (*Mr. Sturt*); debate thereon; House counted out

HOBBSMAN, Right Hon. E., *Liskeard*
Parliament—Privilege (Publication of Proceedings of Foreign Loans Committee), 810, 1119, 1144
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HUBBARD, Right Hon. J. G., *London*
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Agricultural Holdings (England), 2R. 927;
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Imprisonment for Debt (No. 2) Bill
(*Mr. Joshua Fielden, Mr. Thomas Bass, Mr. Cobbett, Mr. Anderson*)
c. Ordered; read 1^o *April 21* [Bill 134]

Increase of the Episcopate Bill [H.L.]
(*Mr. Beresford Hope*)
c. Read 1^o *April 7* [Bill 110]

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MISCELLANEOUS QUESTIONS

Assam—Murder of Lieutenant Holcombe, Question, Mr. Pateshall; Answer, Lord George Hamilton *April 27, 1890*

Banda and Kirwee Prize Booty, Question, Mr. Ryder; Answer, Lord George Hamilton *April 8, 470a*; Question, Mr. O'Sullivan; Answer, Lord George Hamilton *April 15, 972*

Bengal Famine—Honours to Civilians, Question, Mr. Anderson; Answer, Mr. Disraeli *April 15, 975*

Bengal Native Infantry—Case of Mr. Torckler, Question, Mr. Agg-Gardner; Answer, Lord George Hamilton *April 29, 1826*

Bengal Staff Corps—Captain J. B. Chatterton, Question, Sir Thomas Chambers; Answer, Lord George Hamilton *Mar 18, 18*

Burmah—British Subjects in Mandalay, Question, Mr. Brooklehurst; Answer, Lord George Hamilton *April 23, 1510*

China—Murder of Mr. Margary at Mawmwe, Question, Mr. Wait; Answer, Mr. Disraeli *April 22, 1448*; Question, Mr. Hanbury; Answer, Mr. Bourke *April 26, 1636*

Rangoon, West of China—Reports, Question, Mr. Serjeant Simon; Answer, Lord George Hamilton *April 22, 1449*

Roman Catholic Chaplains, Question, Mr. O'Reilly; Answer, Lord George Hamilton *Mar 23, 224*

The Guakwar of Baroda—Proceedings before the Commission, Question, Mr. Sullivan; Answer, Lord George Hamilton *April 12, 717*;—*Proclamation of the Viceroy*, Question, Mr. Dunbar; Answer, Lord George Hamilton *April 23, 1510*; Question, Sir Seymour Fitzgerald; Answer, Lord George Hamilton *April 29, 1828*

Visit of the Prince of Wales to India, Question, Mr. Hankey; Answer, Mr. Disraeli *April 15, 972*

India—Bank of Bombay

Amendt. on Committee of Supply *April 9*, To leave out from "That," and add "in the opinion of this House, the case of the Shareholders in the Bank of Bombay is one for the favourable consideration of Her Majesty's Government" (*Mr. Gregory*) v., 624; after short debate, Question put, "That the words, &c.;" A. 104, N. 37; M. 67

Indian Legislation Bill [H.L.]

(*The Marquess of Salisbury*)

i. Presented; read 1^o *Mar 19* (No. 46)
Read 2^o, after short debate *April 13, 777*
Committee *April 19, 1206*
Report *April 23* (No. 59)
Read 3^o *April 30*
c. Read 1^o (*Lord George Hamilton*) *May 8*
[Bill 150]

Interments in Churchyards Bill

(*Mr. J. G. Talbot, Mr. Heygate, Mr. Majendie*)

c. Considered in Committee; Resolution agreed to, and reported; Bill ordered: read 1^o *April 16* [Bill 125]

International Copyright Bill*(Mr. Bourke, Mr. Raikes, Sir Charles Adderley)*

c. Committee * ; Report April 21 [Bill 56]

Read 3^o April 28l. Read 1^o * *(Earl of Derby)* April 27 (No. 73)**Intestates Widows and Children Act Extension Bill***(Mr. Earp, Mr. Cowen, Mr. Errington)*c. Ordered ; read 1^o April 20 [Bill 132]**Intestates Widows and Children (Scotland) Bill** *(The Lord Advocate, Mr. Secretary Cross, Sir Henry Selwin-Ibbetson)*

c. Ordered * April 6

Read 1^o April 7Read 2^o April 19

[Bill 109]

IRELAND**MISCELLANEOUS QUESTIONS***American Riflemen—Arms Licences*, Question, Mr. Sullivan ; Answer, Sir Michael Hicks-Beach April 13, 786*Blackwater Bridge*, Question, Mr. Vance ; Answer, Sir Michael Hicks-Beach April 29, 1820*Cork Grand Jury*, Personal Explanations, Mr. Herbert, Mr. McCarthy Downing April 29, 1823*Courts of Quarter Session*, Question, Mr. McCarthy Downing ; Answer, Sir Michael Hicks-Beach May 3, 1960**Criminal Law***Agrarian Murder in King's County—Attack upon a Prisoner*, Question, Mr. Sullivan ; Answer, Sir Michael Hicks-Beach April 8, 464a*Attempted Murder at Mitchelstown*, Question, Sir Edward Watkin ; Answer, Sir Michael Hicks-Beach Mar 23, 231*Prisons in Ireland*, Question, Mr. O'Sullivan ; Answer, Sir Michael Hicks-Beach April 13, 781*Education*, Question, Mr. Sullivan ; Answer, Sir Michael Hicks-Beach Mar 19, 82*Glebe Loan (Ireland) Act, 1870*, Question, Mr. French ; Answer, Sir Michael Hicks-Beach Mar 22, 139 ; Question, Mr. R. Smyth ; Answer, Sir Michael Hicks-Beach April 8, 468a*Intoxicating Liquors Act—Increase of Crime*, Question, Mr. Sullivan ; Answer, Mr. Disraeli Mar 22, 147 ; — *Dublin Licensing Sessions*, Question, Mr. Sullivan ; Answer, The Solicitor General for Ireland April 8, 466a**Irish Antiquities***Fac-Similes of Irish National Manuscripts*, Question, Mr. Gibson ; Answer, Mr. W. H. Smith April 19, 1208*Parochial Records of Ireland*, Question, The Earl of Belmore ; Answer, The Lord Chancellor April 19, 1206*Irish Salmon Fisheries—Legislation*, Question, The Marquess of Hamilton ; Answer, Sir Michael Hicks-Beach April 12, 720

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JAMES, Sir H., Taunton

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JAMES, Mr. W. H., Gateshead

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Jersey Courts Bill (*Mr. Locke, Mr. Watkins Williams, Mr. H. B. Sheridan*)
c. Ordered; read 1^o * Mar 23 [Bill 107]

JERVIS, Colonel H. J. W., Harwich
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JOHNSTON, Mr. W., Belfast
Ancient Monuments, 2R. 908
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Peace Preservation (Ireland), Comm. cl. 3, 1854; cl. 4, 1982

JOHNSTONE, Sir H., Scarborough
Horses, Exportation of—Deterioration of the Breed, Res. 1729

Justices of the Peace Qualification Bill
[H.L.] (*The Earl of Albemarle*)

l. Moved, "That the Bill be now read 2^a"
April 13, 765
Amendt. to leave out ("now,") and add at the end of the Motion ("this day six months") (*The Lord Hampton*); after short debate, Amendt. withdrawn
Original Motion agreed to; Bill read 2^a
Committee April 27, 1685
Report * April 29 (No. 72)
Read 3^a * April 30

KAVANAGH, Mr. A. M., Carlow Co.
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Artizans Dwellings, Comm. cl. 1, 48; cl. 2, 57, 65; cl. 3, Amendt. 114, 116; Amendt. 117, 118; cl. 4, Amendt. 121; cl. 5, Amendt. 123, 129; cl. 7, 735; Amendt. 737, 755; cl. 15, 1237; Schedule, Amendt. 1243; 3R. 1942
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Peace Preservation (Ireland), 2R. 202

KNOWLES, Mr. T., Wigan
Mines—Belgium and Prussia, 603

Labourers Cottages on Entailed Estates Bill

(*Mr. Morley, Mr. Whitwell, Mr. Stanhope*)
c. Ordered; read 1^o * April 23 [Bill 144]

LAING, Mr. S., Orkney, &c.
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Ways and Means—Financial Statement, Res. 1057

Land Titles and Transfer Bill [H.L.]
(*Mr. Attorney General*)

c. Read 1^o * Mar 23 [Bill 105]

Landed Proprietors (Ireland) Bill
(*Mr. P. J. Smyth, Mr. P. Martin, Mr. J. Bright*)
c. Ordered; read 1^o * April 29 [Bill 148]

LANDSDOWNE, Marquess of
Agricultural Holdings (England), Comm. cl. 6, 1434
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LAUDERDALE, Earl of

Military Training—Public Schools and Training Ships, 1202

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[See title *Tichborne Trial, The—Contempt of Court*]

Law of Slander

Moved, "That, in the opinion of this House, the Law relating to Slander requires amendment" (Sir William Fraser) Apr 13, 811; after short debate, Motion withdrawn

LAW, Right Hon. H., Londonderry Co.

Ancient Monuments, 2R. 897

Peace Preservation (Ireland), Comm. cl. 5, 1995

LAWRENCE, Lord

Indian Legislation, 2R. 780

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LEWIS, Mr. H. O., Carlisle

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Licensing Courts Appeal (Scotland) Bill
(*Mr. Anderson, Mr. McLagan, Mr. Cowan*)
c. Moved, "That the Bill be now read 2"
April 8, 1764; after short debate, Question
put; A. 99, N. 176; M. 77

LINDSAY, Colonel R. J. Loyd, *Berkshire*
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Linen and Yarn Halls (Dublin) Bill
(*Sir Michael Hicks-Beach, Mr. Solicitor*
General for Ireland)
c. Committee*; Report *Mar 19* [Bill 90]
Read 3^o * *Mar 22*

LISGAR, Lord
Royal Prerogative of Mercy — Colonial Par-
dons, Motion for an Address, 1069

LLOYD, Mr. M., *Beaumaris*
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Loans to Foreign States — see Parlia-
ment—Privilege

Local Authorities Loans Bill
(*Mr. Chancellor of the Exchequer, Mr. William*
Henry Smith)
c. Ordered; read 1^o * *April 16* [Bill 123]

Local Government Board (Ireland) Pro-
visional Orders Confirmation Bill
(*The Lord President*)
l. Read 1^o * *Mar 19* (No. 45)
Read 2^o * *April 16*
Committee*; Report *April 19*
Read 3^o * *April 20*
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Local Government Board's Provisional
Orders Confirmation Bill
(*Mr. Clare Read, Mr. Selater-Booth*)
c. Report * *April 8* [Bills 67-112]
Re-comm. * *April 12*
Read 3^o * *April 13*
l. Read 1^o * (*The Lord Walsingham*) *April 15*
Read 2^o * *April 22* (No. 53)

Local Government Board's Provisional
Order Confirmation (No. 2) Bill
(*Mr. Clare Read, Mr. Selater-Booth*)
c. Ordered; read 1^o * *April 19* [Bill 127]
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397; cl. 2, Amendt. 398; add. cl. 5b.
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LUSH, Dr. J. A., *Salisbury*
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MACARTNEY, Mr. J. W. E., *Tyrone*
Peace Preservation (Ireland), Comm. cl. 4,
1988

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McKENNA, Sir J. N., *Youghal*
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MAITLAND, Mr. J., *Kirkcudbrightshire*
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MARTIN, Mr. P. W., *Rochester*
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Matrimonial Causes and Marriage Law (Ireland) Bill (*Mr. Gibson, Mr. Bruen, Mr. Mulholland, Mr. Macartney*)
c. Committee^o—*a.p.* April 28

Medical Act Amendment (College of Surgeons) Bill
(*Sir John Lubbock, Dr. Lush*)

c. Ordered; read 1^o Mar 18 [Bill 100]
Read 2^o April 14

Medical Act Amendment (Foreign Universities) Bill (*Mr. Cowper-Temple, Mr. Russell Gurney, Dr. Cameron*)

c. Ordered; read 1^o Mar 22 [Bill 103]

MELDON, Mr. C. H., Kildare

Elementary Education Provisional Orders Confirmation (Caister, &c.), 3R. 296
 Peace Preservation (Ireland), Comm. 1858; cl. 3, 1830, 1851, 1857; Amendt. 1863, 1897, 1901; cl. 4, 1885, 1900

Mercantile Marine

Coasting Vessels—Boats and Rafts, Question, Dr. Cameron; Answer, Sir Charles Adderley Mar 23, 228

Merchant Seamen's Fund—Pensions to Seamen, Question, Mr. Stewart; Answer, Sir Charles Adderley April 13, 783

Merchant Shipping Acts

Board of Trade Certificates, Question, Colonel Beresford; Answer, Sir Charles Adderley April 16, 1110

"*Marie*" *Steamship, The*, Question, Sir Wilfrid Lawson; Answer, Sir Charles Adderley Mar 19, 76

"*Nuphar*," *The*, Question, Mr. Macdonald; Answer, Sir Charles Adderley Mar 23, 231

Overloading, Question, Mr. Plimsoll; Answer, Sir Charles Adderley Mar 23, 229

Passenger Act, 1855—Inflammable Cargoes, Question, Mr. D. Jenkins; Answer, Sir Charles Adderley Mar 23, 231

Unseaworthy Ships, Questions, Mr. Plimsoll; Answers, Sir Charles Adderley Mar 18, 26; April 8, 469a

[See title *Board of Trade*]

Merchant Shipping Acts Amendment Bill (Sir Charles Adderley, Mr. Cavenish Beninck, Mr. William Henry Smith)

c. Question, Mr. Gourley; Answer, Sir Charles Adderley April 6, 363

Moved, "That the Bill be now read 2°" April 8, 473a

Amendt. to leave out from "That," and add "any measure purporting to amend the Law affecting Merchant Shipping is insufficient and unsatisfactory which does not contain provisions for securing a supply of properly qualified Seamen by encouraging the carrying of Apprentices on board Ships, and the establishment of Training Ships, and which does not provide for a Medical Examination of Seamen upon their engagement at a Shipping Office" (*Mr. Norwood*) v.; Question proposed, "That the words, &c.;" after long debate, Moved, "That the Debate be now adjourned" (*Mr. Gourley*); Question put, and negatived

Question again proposed, "That the words, &c.;" after short debate, Amendt. withdrawn.

Main Question proposed; Moved, "That the Debate be now adjourned" (*Mr. David Jenkins*); Motion withdrawn

Main Question put, and agreed to; Bill read 2° [Bill 4]

Committee*; Report April 12 [Bill 116]

Question, Mr. Gourley; Answer, Sir Charles Adderley April 20, 1284

Merchant Shipping (Load Line) Bill

(*Mr. Norwood, Mr. Ashley, Mr. Edward Reed, Mr. Eustace Smith*)

c. Ordered; read 1° Mar 23 [Bill 106]

Metalliferous Mines Bill

(*Sir Henry Selwin-Ibbetson, Mr. Secretary Cross*)

c. Ordered; read 1° April 15 [Bill 120]

METROPOLIS**MISCELLANEOUS QUESTIONS**

Cab Law, Question, Mr. Hopwood; Answer, Mr. Assheton Cross April 16, 1107

Explosion in the Regent's Park—Macclesfield Bridge, Question, Mr. M. Brooks; Answer, Lord Henry Lennox April 27, 1689

Poor Law Audit, Question, Mr. W. M'Arthur; Answer, Mr. Selater-Booth May 3, 1957

Status of Queen Anne, Westminster, Question, Mr. Davenport; Answer, Lord Henry Lennox May 3, 1955

Street Accidents, Question, Sir P. O'Brien; Answer, Mr. Assheton Cross Mar 23, 231

Street Traffic—Hyde Park Corner, Question, Mr. Adam; Answer, Lord Henry Lennox April 12, 723

The British Museum—The Sculpture Galleries, Question, Lord Arthur Russell; Answer, Lord Henry Lennox May 3, 1956

The Indian Museum, South Kensington, Question, Mr. Fawcett; Answer, Lord George Hamilton Mar 18, 23

The National Gallery, Observations, Mr. Beresford Hope; Reply, Lord Henry Lennox; short debate thereon April 9, 609

Widening of Parliament Street, Question, Mr. Goldsmid; Answer, Lord Henry Lennox May 3, 1959

Metropolis Gas Companies Bill

Question, Colonel Makins; Answer, Sir James Hogg Mar 19, 76

Metropolitan Board of Works Bills

Question, Colonel Makins; Answer, Mr. Assheton Cross Mar 22, 143

Metropolitan Gas Companies' Accounts

Question, Sir Charles W. Dilke; Answer, Sir Charles Adderley April 16, 1109

MIDDLETON, Viscount

Agricultural Holdings (England), 2R. 929

MILBANK, Mr. F. A., Yorkshire, N. R.

Queen v. Castro, Address for a Royal Commission, 1557

Rating Act, 1874—Assessment of the Right of Sporting, 1826

Military Knights of Windsor

Question, Colonel North; Answer, Mr. Assheton Cross Mar 18, 28

MILLS, Mr. A., Exeter

Revised Statutes, 22

Mines (Belgium and Prussia)

Question, Mr. Knowles; Answer, Mr. Bourke
April 9, 603

Mines Regulation Act—Colliery Explosion at Bunker's Hill

Question, Mr. Macdonald; Answer, Mr. Assheton
May 3, 1961

MINTO, Earl of

Scotland, Established Church of—Teind System, 1077

Mint, The—Scarcity of Shillings

Question, Sir Charles Russell; Answer, The Chancellor of the Exchequer
May 3, 1952

Monastic and Conventual Institutions—Laws of Foreign States—The Returns

Questions, Mr. Newdegate; Answers, Mr. Bourke
Mar 19, 78; April 22, 1450

MONCK, Sir A., Durham

United States—Treaty of Washington—Canadian Lobsters—British Columbia, 605

MONK, Mr. C. J., Gloucester City

Bristol Channel—Harbour of Refuge, Res. 1152

Customs—Smuggling, Conviction for, at Leith, 1216

Mutiny, Comm. cl. 1, Motion for reporting Progress, 69

Offences against the Person, Comm. cl. 4, 1274
Pim, Captain, and Mr. E. J. Reed, 1210

MONTAGU, Right Hon. Lord R., Westminster

Artizans Dwellings, Comm. cl. 1, 48; cl. 2, 50, 51, 54, 55, 60

Freemasons (Ireland), 606

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Parliament—Privilege—Publication of Proceedings of Foreign Loans Committee, 805;—Report of Debates, &c. 1513

Peace Preservation (Ireland), 2R. Amendt. 148, 156; Comm. 1489, 1646; cl. 2, 1672; cl. 3, 1838, 1849, 1897, 1970; cl. 4, 1984, 1987, 1991

Public Health Act—Folkestone, Sanitary Condition of, 366, 367

MONTGOMERIE, Mr. R., Ayrshire, N.

High Court of Justiciary (Scotland), 2R. Amendt. 1749, 1750, 1753

Licensing Courts Appeal (Scotland), 2R. 1776

MONTGOMERY, Sir G. G., Peeblesshire

Banks of Issue, Nomination of Committee, 1358

Church Rates Abolition (Scotland), 2R. Amendt. 1786

Education (Scotland) (Sutherland and Caithness), 2R. 2004

Licensing Courts Appeal (Scotland), 2R. 1773
Sheriff Courts (Scotland), 2R. 1755

MOORE, Mr. A. J., Clonmel

Adulteration of Food Act, 1872—Fusil Oil in Whiskey, 1510

Local Government (Ireland), 137

Peace Preservation (Ireland), 2R. 196; Comm. 1671; cl. 3, 1833, 1849, 1904

Spain—Layard, Mr., Reported Recall of, 222

MORGAN, Mr. G. Osborne, Denbighshire

Ancient Monuments, 2R. 893

Burials, 2R. 1363, 1390, 1417

Parliament—Privilege (Loans to Foreign States Committee), 1134

Peace Preservation (Ireland), Comm. cl. 5, 1997

MORLEY, Earl of

Agricultural Holdings (England), 2R. 934; Comm. cl. 5, 1425

MORLEY, Mr. S., Bristol

Queen v. Castro, Address for a Royal Commission, 1536, 1556

MORRIS, Mr. G., Galway

Army—Galway, New Barracks at, 1112

MUNDELLA, Mr. A. J., Sheffield

Artizans Dwellings, Comm. cl. 1, 48; cl. 2, 50, 60, 65

Elementary Education Act, 1870—Voluntary Schools, 971

Master and Servant Act—Good Friday, Work on, 1279

Mutiny, Comm. cl. 107, 136

Parliament—Privilege—Queen v. Castro—Pittlewile Petition, Report, 998

Parliamentary Elections (Returning Officers), Comm. 411

Peace Preservation (Ireland), 2R. 205; Comm. cl. 4, 1990; cl. 5, 1999

Sale of Food and Drugs, Re-comm. cl. 3, 1265; cl. 4, 1271; cl. 5, 1273

Ways and Means—Financial Statement, Res. 1060

Municipal Corporations (Ireland) Bill

(*Mr. Ronayne, Mr. Butt, Mr. Bryan*)

c. Moved, "That the Bill be now read 2^d"
Mar 23, 295 [Bill 41]

Moved, "That the Debate be now adjourned"
(*Mr. Vance*); Question put; A. 144, N. 96; M. 48

Adjourned Debate resumed *April 16, 1188*

Amendt. to leave out from "That," and add "a Select Committee be appointed to inquire into the operation in Ireland of the following statutes: 9 Geo. 4, c. 82, 3 and 4 Vic. c. 108, and 17 and 18 Vic. c. 103, and the Acts altering and amending the same, and to report whether any and what alterations are advisable in the Law relating to the Local Government and Taxation of Cities and Towns in that part of the United Kingdom" (*Sir Michael Hicks-Beach*) v.; Question proposed, "That the words, &c."

Moved, "That the Debate be now adjourned" (*Mr. Power*); after short debate, Motion agreed to; Debate adjourned

Municipal Elections Bill (*Mr. Dodds, Mr. Gourley, Mr. Callender, Mr. Rathbone*)
c. Committee *; Report April 14 [Bills 63-118]
 Considered * April 28
 Read 3^o * April 30
*l. Read 1^o * (The Marquess of Ripon)* May 3
 (No. 83)

Municipal Franchise (Ireland) Bill
 (*Sir Joseph M'Kenna, Mr. Butt, Mr. Bryan*)
c. Bill withdrawn * April 20 [Bill 34]

Municipal Franchise (Ireland) (No. 2) Bill
 (*Mr. Butt, Sir Joseph M'Kenna, Mr. Bryan*)
c. Ordered; read 1^o * April 23 [Bill 140]

MUNTZ, Mr. P. H., Birmingham
 Artizans Dwellings, Comm. 31; *cl. 2*, Amendt.
 53, 56; *cl. 7*, Amendt. 745, 752

MURE, Colonel W., Renfrew
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 Army Organization—Recruits, Res. 1304, 1338
 Parliamentary and Municipal Elections Act,
 Motion for a Committee, 96

Musical Entertainments Bill [H.L.]
 (*The Duke of Saint Albans*)
l. Presented; read 1^o * April 9 (No. 49)
 Order for 2R. discharged, after short debate
 April 26, 1829

Mutiny Bill
 (*Mr. Raikes, Mr. Secretary Hardy, The Judge Advocates*)
c. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. Gathorne Hardy*) Mar 18, 68
 Amendt. to leave out from "That," and add "this House will, upon this day six months, resolve itself into the said Committee" (*Mr. P. A. Taylor*) *v.*; after short debate, Question, "That the words, &c.," put, and agreed to
 Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—*s.p.*
 Committee; Report Mar 19, 132
 Read 3^o * Mar 22
*l. Read 1^o * (The Earl of Pembroke and Montgomery)* April 8
 Read 2^o * April 9
 Committee *; Report April 12
 Read 3^o * April 13
 Royal Assent April 22 [38 Vict. c. 7]

NAGHTEN, Mr. A. R., Winchester
 Army Estimates—Volunteer Corps, 327

National Debt (Sinking Fund) Bill
 (*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)
c. Considered in Committee April 26, 1863
 Resolution reported, and agreed to; Bill ordered; read 1^o * April 28 [Bill 142]

NAVY

MISCELLANEOUS QUESTIONS

College for Naval Cadets, Observations, Mr. Bruce; Reply, Mr. Hunt; short debate thereon April 9, 643

Crime and Punishment, Report on, Question, Mr. P. A. Taylor; Answer, Mr. Hunt April 23, 1509

East African Slave Trade—Cruisers, Question, Mr. Hanbury; Answer, Mr. Hunt April 8, 471a

General Turnpike Acts—Liability of Coast-guard, Question, Admiral Egerton; Answer, Mr. Hunt May 3, 1953

H.M.S. "Devastation," Question, Mr. Bentinck; Answer, Mr. Hunt Mar 18, 24; Question, Mr. Goschen; Answer, Mr. Hunt April 27, 1691

Ironclad Ships, Question, Sir John Hay; Answer, Mr. Hunt Mar 18, 22

Manning the Navy, Observations, Lord Charles Beresford, Captain G. E. Price April 9, 639

Naval Cadetships—Examination, Question, Sir George Jenkinson; Answer, Mr. Hunt May 3, 1954

Navigating Officers, Question, Mr. Hanbury-Tracy; Answer, Mr. Hunt Mar 18, 20

Shipping Agents, Question, Mr. Bates; Answer, Mr. Hunt April 27, 1687

The Marine Corps—Purchase, Question, Mr. Anderson; Answer, Mr. Hunt April 6, 369

Training Ships—H.M.S. "Roseawen," Questions, Sir Frederick Perkins, Mr. Whalley; Answers, Mr. Hunt Mar 19, 81

Navy—Naval Ordnance—Breech-loaders and Muzzle-loaders

Moved, That there be laid before the House "Return of the different classes of guns now in use in the Navy; stating the various sizes of bore and the pitch of rifling whether of uniform or of increasing spiral; stating also in each class of gun the number of rifled grooves

"Return of the various projectiles, stating their weights and lengths, with the number of studs and the bursting charge of each hollow projectile" (*The Duke of Somerset*) April 30, 1864; after short debate, Motion agreed to

NEVILLE-GRENVILLE, Mr. R., Somersetshire, Mid
 Ways and Means—Financial Statement, Res. 1059

NEWDEGATE, Mr. C. N., *Warwickshire, N.*

Burials, 2R. 1899

Foreign Monastic and Conventual Institutions
—Returns, 78, 80, 1450Irish College (Paris), Motion for a Committee,
1926Parliament — Privilege (Loans to Foreign
States Committee), 1143

Public Business, 1825

Strangers, Exclusion of, 1693

Slander, Law of, Res. 820

Women's Disabilities Removal, 2R. 471

New Forest Shakers, The—Case of Miss WoodQuestion, Mr. Dillwyn; Answer, Mr. Assheton
Cross Mar 18, 30***Newfoundland Fisheries***Question, Mr. A. McArthur; Answer, Mr. J.
Lowther Mar 23, 222; April 29, 1821**Newspapers Registration Bill**

(Mr. Waddy, Mr. Edward Jenkins)

c. Ordered * April 21

Read 1^o * April 23 [Bill 137]**NOEL, Mr. E., *Dumfries, &c.***

Artizans Dwellings, Comm. cl. 7, 746

Church Rates Abolition (Scotland), 2R. 1788

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NOLAN, Captain J. P., *Galway Co.*Army—Artillery—Woolwich System of Rifling,
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firmation (Caister, &c.), 3R. Motion for Ad-
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cl. 110, Amendt. 764Inland Revenue—Ten Shilling Gun Licences,
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Petitions, 1186Parliamentary Elections (Returning Officers),
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414; Amendt. 415; Amendt. 416Peace Preservation (Ireland), 2R. 262; Comm.
1485; cl. 3, 1682; Motion for reporting
Progress, 1683; Amendt. 1829, 1833;
Amendt. 1834, 1851, 1855, 1901, 1908,
1912; Motion for reporting Progress, 1915;
Amendt. 1976, 1977; cl. 4, Amendt. 1980,
1981**NORTH, Lieut-Colonel J. S., *Oxfordshire***

Army—Artillery Officers in India, 302

Army Estimates—Divine Service, 323

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Windsor, Military Knights of, 28

**Northampton Improvement Commis-
sioners Bill**

(Mr. Merewether, Mr. Cartwright, Mr. Heygate)

c. Ordered; read 1^o * April 29 [Bill 147]**NORTHOTE, Right Hon. Sir S. H.
(see Chancellor of the Exchequer)****NORWOOD, Mr. C. M., *Kingston-upon-
Hull***Bank Holidays Act (1871) Extension and
Amendment, Comm. 394; cl. 1, Amendt.
396, 397Education Department — Inefficient Private
Schools, 1113Merchant Shipping Acts Amendment, 2R.
Amendt. 514, 573.**O'BRIEN, Sir P., *King's Co.***

Army Estimates—Military Education, 849

Army Staff Appointments—Returns, 467a

Metropolis—Street Accidents, 221

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Comm. Schedule 1, 415Peace Preservation (Ireland), 2R. 179; Comm.
cl. 2, 1664; cl. 3, 1831, 1838, 1898; cl. 4,
1991

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O'BYRNE, Mr., *Wicklow Co.*

Army—Military Drill in Schools, 1111

Peace Preservation (Ireland), 2R. 262

O'CLERY, Mr. K., *Wexford Co.*Irish College (Paris), Motion for a Committee,
1926Peace Preservation (Ireland), 2R. 200; Comm.
1472**O'CONOR DON, The, *Roscommon Co.***

Artizans Dwellings, Comm. cl. 2, 59, 62

Irish College (Paris), Motion for a Committee,
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Motion for a Committee, 97Peace Preservation (Ireland), 2R. 182; Comm.
cl. 2, 1665; cl. 3, Amendt. 1676, 1836, 1906;
Amendt. 1911, 1912, 1914, 1968, 1978**O'CONOR, Mr. D. M., *Sligo Co.***Army—"Himalaya" Troopship—75th Regi-
ment, 720

Peace Preservation (Ireland), Comm. 1473

Offences against the Person Bill

(Mr. Charley, Mr. Whitwell)

c. Bill read 2^o, after short debate April 14, 917
Committee; Report April 19, 1274 [Bill 45]**O'GORMAN, Major P., *Waterford***

Artizans Dwellings, Comm. cl. 2, 61

Peace Preservation (Ireland), 2R. 282, 284;

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1490, 1641; cl. 5, 2000; Amendt. *ib.*

O'HAGAN, Lord

Supreme Court of Judicature Act (1873)
Amendment, 2R. 1098

O'LEARY, Dr. W. H., Drogheda

Army—Medical Officers—Exchanges, 1957
Peace Preservation (Ireland), 2R. Motion for
Adjournment, 204; Comm. Motion for Ad-
journment, 1487; *cl.* 3, 1857

ONSLOW, Mr. D. R., Guildford

Queen v. Castro, Address for a Royal Commis-
sion, 1577

Open Spaces (Metropolis) Bill

(*Mr. Whalley, Sir George Bowyer*)

c. Read 2^o Mar 18

[Bill 50]

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Question, Mr. M. J. Stewart; Answer, Lord
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O'REILLY, Mr. M. W., Longford Co.

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gium, 1212
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O'SHAUGHNESSY, Mr. R., Limerick

Peace Preservation (Ireland), 2R. 172, 177;
Comm. *cl.* 2, 1672; *cl.* 3, 1852, 1898, 1977,
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O'SULLIVAN, Mr. W. H., Limerick Co.

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Women's Disabilities Removal, 2R. 469

PAGET, Mr. R. H., Somersetshire, Mid.

Criminal Law—Expenses of Criminal Prosecu-
tions, 25

PALK, Sir L., Devonshire, E.

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PALMER, Mr. C. M., Durham, N.

Bank Holidays Act (1871) Extension and
Amendment, Comm. 398
Parliament—Cabs, Deficiency of, 1215

Parliament**LORDS—****Privilege**

Reporting of Debates, Observations, Lord
Denman *April 23, 1494*

Private Bills

Orders relating to Petitions *Mar 18, 1*
Ordered, That no Private Bill brought from
the House of Commons shall be read a second
time after Thursday the 17th day of June
next [And other Orders] *April 23, 1498*

Clerk of the Parliaments, Statement, The Lord
Chancellor *April 27, 1684*

Sir William Rose, K.C.B., appointed Clerk
of the Parliaments, made the prescribed de-
claration

Clerk Assistant, Statement, The Lord Chan-
cellor *April 27, 1685*

Ralph Disraeli, esquire, appointed Clerk
Assistant

COMMONS—

Strangers—Reports of Debates and Proceedings.
Question, Mr. Sullivan; Answer, Mr. Dis-
raeli *April 22, 1451*

Strangers (Presence at Debates), Notice of
Motion, Mr. Dillwyn *April 23, 1508*

*Report of Debates and Proceedings—Relations
of the House and the Press*, Question, Ob-
servations, The Marquess of Hartington;
Reply, Mr. Sullivan *April 23, 1511*

Notice of Resolution (*The Marquess of Har-
tington*) *April 29, 1819*

Notice of Amendment (*Mr. Mitchell Henry*)
April 30, 1892

Strangers Ordered to Withdraw

Mr. Biggar called to the notice of Mr. Speaker
that there were Strangers present *April 27,*
1692

Strangers ordered to withdraw

Moved, "That the Rule for the Exclusion of
Strangers be suspended during the present
Sitting of the House" (*Mr. Disraeli*); after
short debate, Question put, and agreed to
Strangers re-admitted

*Order—Notices of Motion—Captain Pim and
Mr. E. J. Reed*, Question, Mr. Monk; An-
swer, Captain Pim *April 19, 1210*

Moved, "That this House do now adjourn"
(*Mr. E. J. Reed*); Motion withdrawn

Business of the House

Arrangement of Public Business, Observations,
Mr. Sullivan, Mr. Chaplin; Replies, Mr.
Disraeli *Mar 22, 219*; Observations, Mr.
Disraeli *April 16, 1114*; Question, Mr.
Stansfeld; Answer, Mr. Asheton Cross
April 30, 1915

Commencement of Public Business, Question,
Mr. Horsman; Answer, Mr. Disraeli *April 27,*
1692

Morning Sitting, Question, Mr. Pease; An-
swer, Mr. Disraeli *April 29, 1828*; Ques-
tion, Mr. W. E. Forster; Answer, The Chan-
cellor of the Exchequer *April 30, 1898*

[cont.]

PARLIAMENT—COMMONS—cont.

The Budget Resolutions, Question, Mr. Childers, Answer, The Chancellor of the Exchequer April 27, 1892

The Easter Recess, Questions, Mr. Holt, Mr. Lyon Playfair; Answer, Mr. Disraeli Mar 19, 81

Public Business—Dr. Kenealy and "The Queen v. Castro," Questions, Colonel Loyd Lindsay, Mr. Macdonald; Answers, Dr. Kenealy April 16, 1112

Friendly Societies Bill, Observations, The Chancellor of the Exchequer April 15, 1064; Question, Mr. Ashbury; Answer, The Chancellor of the Exchequer April 22, 1449

Monastic and Conventual Institutions Bill, Question, Mr. Newdegate; Answer, Mr. Disraeli April 27, 1825

The Whitsun Holiday, Question, Mr. O'Reilly; Answer, Mr. Disraeli April 19, 1224

The Chairman of Ways and Means—Salary, Question, Mr. Trevelyan; Answer, The Chancellor of the Exchequer April 26, 1637

Palace of Westminster

Filtration of Air, Question, Mr. Cawley; Answer, Lord Henry Lennox April 27, 1688

The Frescoes, Question, Mr. Errington; Answer, Lord Henry Lennox Mar 18, 26

Deficiency of Cabs, Question, Mr. Palmer; Answer, Lord Henry Lennox April 19, 1215,

Parliament—Privilege—Public Petitions

Committee on Public Petitions—The Queen v. Castro—Petition from Prittlewell, Special Report from the Committee on Public Petitions brought up April 12, 715

Moved, "That the Special Report be taken into consideration on Thursday next, at half-an-hour after Four of the clock" (*Mr. Disraeli*); Motion agreed to

Moved, "That the Order that the Petition from Prittlewell and neighbourhood do lie upon the Table, be read, and discharged" (*Mr. Disraeli*) April 15, 976; after debate, Previous Question proposed; after further debate, Previous Question put; A. 391, N. 11; M. 380; main Question put, and agreed to

Division List, Noes, 1017

Parliament — Privilege — Committee on Foreign Loans

Sir Henry James, Question, Sir Lawrence Palk; Answer, Sir Henry James April 8, 469a; Observations, Lord Claud Hamilton; Reply, Sir Henry James April 9, 607; Personal Explanation, Sir Lawrence Palk; short debate thereon April 12, 724

Publication of Proceedings of Foreign Loans Committee, Observations, Mr. Charles Lewis April 13, 787

Complaint made by Mr. Charles Lewis, Member for Londonderry, of the publication in "The Times" and "Daily News" newspapers on the 9th April instant of the proceedings and evidence taken before the Select Committee on Foreign Loans on the 8th instant, in breach of the Privileges of this House

Copies of newspapers put in, and extracts read

[cont.]

Parliament—Privilege—Committee on Foreign Loans—cont.

Moved, "That the publication in 'The Times' and 'Daily News' newspapers on the 9th April instant of the proceedings and evidence taken before the Select Committee on Foreign Loans on the 8th instant is in each case a breach of the privileges of this House" (*Mr. Charles Lewis*), 794; after short debate, Question put, and agreed to

Moved, "That Mr. Francis Goodlake, the printer of 'The Times' newspaper, do attend at the Bar of this House on Friday next, at half-past Four o'clock" (*Mr. Charles Lewis*), 795; after debate, Question put; A. 204, N. 153; M. 61

Then the same Order made in respect of Mr. Hales, printer of 'The Daily News' newspaper

Letter of M. Herran, Notice of Motion, Mr. Disraeli April 15, 968

Order for the attendance of Mr. Goodlake and Mr. Hales, read April 16, 1114

Moved, "That Mr. Francis Goodlake, the printer of 'The Times' newspaper, be called in" (*Mr. Charles Lewis*)

Amendt. to leave out from "That," and add "it being stated in 'The Times' and 'Daily News' newspapers of the 9th instant, referred to in the Order of the House of the 13th instant, that a letter, professing to be written by M. Victor Herran, Honduras Minister in Paris, and addressed to the Right honourable Robert Lowe, Chairman of the Committee on Loans to Foreign States, was read and made part of the proceedings before the Select Committee on Loans to Foreign States on the 8th instant, it be referred to the said Committee to report to the House whether such letter was produced and read before the said Committee and under what circumstances, and whether any copy of the said letter was communicated by or on behalf of the said Committee to the said newspapers, or either of them" (*Mr. Disraeli*), v.; after debate, Question, "That the words ' &c.," put, and negatived

Then it was moved that those words be there added

Amendt. proposed to the said proposed Amendt. To leave out from "being," and add "expedient to proceed further in the matter of the Order made on Tuesday 13th April that Mr. Francis Goodlake, the printer of 'The Times' newspaper, and Mr. William King Hales, the printer of 'The Daily News' newspaper, do attend at the Bar of this House, the said Order be now read, and discharged" (*Sir William Harcourt*), v.; Question put, "That the words, &c.;" A. 231, N. 166; M. 65

Main Question, as amended, put, and agreed to *Loans to Foreign States Committee*, Special Report brought up, and read April 19, 1224

Question, Mr. Charles Lewis; Answer, Mr. Disraeli April 20, 1283

Parliament—Kirkcaldy District of Burghs Return

Amendment of Return, Observations, Mr. Speaker April 23, 1508

Parliament—Sir John George Shaw Lefevre, K.C.B., late Clerk of the Parliaments

Her Majesty's Answer to the Address reported April 8, 1888a

Copy of Minute of Lords Commissioners of Her Majesty's Treasury Board awarding to Sir John George Shaw Lefevre, K.C.B., late Clerk of the Parliaments, a special retired allowance of £2,500 a-year presented April 12, 1884; ordered to lie on the Table, and to be printed. (No. 52)

Parliament—The Serjeant at Arms

Resignation of Lord Charles J. F. Russell
April 5, 1888

Moved, "That the letter addressed to Mr. Speaker by Lord Charles Russell, the late Serjeant at Arms, be read by the Clerk at the Table" (*Mr. Disraeli*) April 8, 1872a; Letter read

Moved, "That Mr. Speaker be requested to acquaint Lord Charles James Fox Russell, that this House entertains a just sense of the exemplary manner in which he has uniformly discharged the duties of the Office of Serjeant at Arms during his long attendance upon this House" (*Mr. Disraeli*); Motion agreed to

PARLIAMENT—HOUSE OF LORDS

Sat First

April 8—The Lord Romilly, after the death of his Father

April 23—The Viscount Hill, after the death of his Father

April 29—The Lord Lovell and Holland, after the death of his Uncle

PARLIAMENT—HOUSE OF COMMONS

New Writs Issued

Mar 23—For Bridport, v. Thomas Alexander Mitchell, esquire, deceased

April 5—For Kirkcaldy District of Burghs, v. Robert Reid, esquire, deceased

April 6—For County of Meath, v. John Martin, esquire, deceased

April 16—For Kilkenny City, v. Sir John Gray, knight, deceased

April 19—For Bedford County, v. Francois Bassett, esquire, Chiltern Hundreds

New Members Sworn

April 5—Pandeli Ralli, esquire, Bridport

April 22—Charles Stewart Parnell, esquire, Meath County

April 23—Sir George Campbell, knight, Kirkcaldy District of Burghs

April 29—Marquess of Tavistock, Bedford County

May 3—Benjamin Whitworth, esquire, Kilkenny City

Parliamentary and Municipal Elections Act

Amendt. on Committee of Supply Mar 19, To leave out from "That," and add "a Select Committee be appointed to inquire into the

[cont.]

Parliamentary and Municipal Elections Act—cont.

existing machinery of Elections, with power to suggest amendments in the same" (*Sir Charles W. Dilke*) v., 82; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

Parliamentary Elections Act, 1868

Boston Election—Joint Address for a Royal Commission, The Lords concur with the Commons in the Address [March 8] April 26, 1832

Parliamentary Elections (Returning Officers) Bill

(*Sir Henry James, Sir William Harcourt*)

c. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" April 6, 400 [Bill 32]

Amendt. to leave out from "That," and add "no measure dealing with the expenses of Returning Officers is likely to reduce those expenses which does not interest the constituencies in economy by relieving candidates of the charge" (*Mr. Fawcett*) v.; after debate, Question put, "That the words, &c.;" A. 150, N. 46; M. 104

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee; Report

Parliamentary Elections (Validity of Votes) Bill

(*Sir Colman O'Loughlen, Lord Francis Conyngham, Captain Nolan*)

c. Bill withdrawn * April 29 [Bill 49]

Parliamentary Electors—The Annual Return

Question, Sir Charles W. Dilke; Answer, Sir Henry Selwin-Ibbetson April 29, 1820

PARNELL, Mr. C. S., Meath

Peace Preservation (Ireland), Comm. 1643; cl. 3, 1915

Patents for Inventions Bill [H.L.]

(*The Lord Chancellor*)

l. Report * April 8 (No. 15)

Read 3^a * April 13

c. Read 1^o * (*Mr. Attorney General*) April 20 [Bill 133]

PATESHALL, Mr. E., Hereford

Assam—Lieutenant Holcombe, Murder of, 1690

Peace Preservation (Ireland) Bill

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

c. *Carrying Arms*, Question, Mr. Callan; Answer, Sir Michael Hicks-Beach Mar 22, 137 Moved, "That the Bill be now read 2^o" Mar 22, 148

Amendt. to leave out from "That," and add "this House disapproves of the imposition or maintenance of exceptional legislation,

[cont.]

Peace Preservation (Ireland) Bill—cont.

except in those cases where urgent grounds, proving the necessity of it, have been clearly shown; and that sufficient grounds for the maintenance of any exceptional legislation have not been proved to exist at present in Ireland" (*Lord Robert Montagu*) v.; Question proposed, "That the words, &c.;" after long debate, Moved, "That the Debate be now adjourned" (*Mr. O'Leary*); after further short debate, Motion withdrawn
Question again proposed, "That the words, &c.;" Moved, "That the Debate be now adjourned" (*Mr. Callan*); Motion agreed to; Debate adjourned

Adjourned Debate resumed *Mar 23, 1882*; after long debate, Question put; A. 264, N. 69; M. 195

Main Question put, and agreed to; Bill read 2^d Division List, Ayes and Noes, 292

Reports of Magistrates and Police, Westmeath, Question, *Mr. Butt*; Answer, *Sir Michael Hicks-Beach April 20, 1886*

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *April 22, 1881*

Amendt. to leave out from "That," and add "in the opinion of this House, it is inexpedient to proceed with the consideration of a Bill re-enacting and modifying detached portions of several statutes, until it is put into such a form as to show clearly and distinctly the provisions which are to form part of the continued and revised code" (*Mr. Biggar*) v.; Question proposed, "That the words, &c.;" after long debate, Moved, "That the Debate be now adjourned" (*Mr. O'Leary*); after further short debate, Question put; A. 63, N. 245; M. 182

Original Question again proposed; Moved, "That this House do now adjourn" (*Mr. O'Gorman*); Motion withdrawn

Original Question again proposed; Debate adjourned

Adjourned Debate resumed *April 26, 1840*; after debate, Question put; A. 155, N. 69; M. 86

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—*R.P.*

Fire-arms, Question, *Mr. Sullivan*; Answer, *Sir Michael Hicks-Beach April 29, 1822*

Committee—*R.P. April 29, 1828*

Committee—*R.P. April 30, 1894*

Committee—*R.P. May 3, 1863*

PEASE, Mr. J. W., Durham, S.

Ancient Monuments, 2R. 907

Parliament—Public Business, 1828

Peace Preservation (Ireland), Comm. cl. 3, 1914

Roumania—Outrage on Mr. and Mrs. Dodsham, 24

Sale of Food and Drugs, Re-comm. cl. 4, 1271; cl. 5, 1273

PEEK, Sir H. W., Surrey, Mid.

Ancient Monuments, 2R. 906

Customs and Excise Establishments, 1214

Sale of Food and Drugs, Re-comm. cl. 3, 1266, 1267; cl. 4, 1271

Ways and Means—Financial Statement, Res. 1080

PEEL, Right Hon. Sir R., Tamworth

Queen v. Castro—Personal Explanation, 1638, 1640

PEEL, Mr. A. W., Warwick Bo.

Merchant Shipping Acts Amendment, 2R. 533, 534

PELL, Mr. A., Leicestershire, S.

Ancient Monuments, 2R. 912

Ways and Means—Financial Statement, Res. 1086

PELLEY, Sir H., Huntingdonshire

Army Organization—Recruits, Res. 1316

PENZANCE, Lord

Supreme Court of Judicature Act (1873) Amendment, 1R. 595; 2R. 1093; Report, 1813

PERKINS, Sir F., Southampton

Artizans Dwellings, Comm. cl. 2, 65

Navy—Training Ships—H.M.S. "Boscawen," 81

PETERBOROUGH, Bishop of

Justices of the Peace Qualification, 2R. 770

Petty Sessions Courts (Ireland) Bill

(*Mr. O'Sullivan, Captain Nolan, Mr. French, Mr. Ronayne*)

c. Ordered; read 1^o April 23 [Bill 138]

Pier and Harbour Orders Confirmation Bill (*Mr. Cavendish Bentinck, Sir Charles Adderley*)

c. Ordered; read 1^o April 7 [Bill 111]

Read 2^o April 9

Committee; Report April 19

Considered April 20

Read 3^o April 22

l. Read 1^o April 23

(No. 64)

Read 2^o April 30

Pier and Harbour Orders Confirmation (No. 2) Bill

(*Mr. Cavendish Bentinck, Sir Charles Adderley*)

c. Ordered; read 1^o April 8 [Bill 113]

Read 2^o April 12

Pier and Harbour Orders Confirmation (No. 3) Bill

(*Mr. Cavendish Bentinck, Sir Charles Adderley*)

c. Ordered; read 1^o April 28 [Bill 143]

Read 2^o May 3

PIM, Captain B., Gravesend

Marine Mutiny, Comm. add. cl. 353

Pim, Captain, and Mr. E. J. Reed, 1210

Training Schools and Ships, 2R. 399

PLAYFAIR, Right Hon. Lyon, Edinburgh and St. Andrew's Universities
 Artizans Dwellings, Comm. cl. 4, 121
 Banks of Issue, Nomination of Committee, 875
 Civil Service Commission, Report, 1968
 Courts of Law (Scotland)—Judges of the Supreme Courts—Salaries, 1633
 Education (Scotland)—Pupil Teachers, 224
 Parliament—Public Business, 81
 Public Health, 2R. 1245, 1444
 Sale of Food and Drugs, Re-comm. cl. 3, 1264, 1266; cl. 4, 1271; Amendt. ib., 1272
 Women's Disabilities Removal, 2R. 451

PLIMSOLE, Mr. S., Derby Bo.
 Board of Trade—Night Attendance, 141, 142, 229
 Merchant Shipping Acts—Overloading, 229
 Unseaworthy Ships, 26, 27, 469a
 Merchant Shipping Acts Amendment, 2R. 540

PLUNKET, Hon. D. R. (Solicitor General for Ireland), Dublin University
 Intoxicating Liquors (Ireland) Act—Dublin Licensing Sessions, 467a
 Ireland—Trinity College, Dublin, 1442
 Peace Preservation (Ireland), 2R. 264, 265; Comm. cl. 2, 1663, 1666, 1674; cl. 3, 1839, 1841, 1850, 1859, 1895, 1896, 1977; cl. 4, 1979, 1980; Amendt. 1981, 1982, 1989; cl. 5, 1993

PLUNKETT, Hon. R. E., Gloucester, W.
 Peace Preservation (Ireland), 2R. 159; Comm. cl. 3, 1909

POLHILL-TURNER, Captain F., Bedford
 Queen v. Castro—Address for a Royal Commission, 1581

Police Magistrates, Metropolis (Salaries) Bill (The Earl Beauchamp)
 l. Royal Assent Mar 19 [38 Vict. c. 3]

Police Superannuation Funds
 Select Committee appointed, "to inquire into the Police Superannuation Funds in the counties and boroughs of England and Wales and the Acts creating and regulating the same, and to report to the House whether any, and, if any, what alterations or amendments in the Law are required" (Sir Henry Selwin-Ibbetson); List of the Committee, Mar 18, 70

Pollution of Rivers Bill [H.L.] (The Marquess of Salisbury)
 c. Legislation, Question, Mr. Kay-Shuttleworth; Answer, Mr. Selater-Booth April 8, 466a
 l. Presented; read 1st, after short debate April 30, 1884 (No. 81)

Poor Law
 England and Scotland—Grants in Aid—Medical Expenditure, Question, Dr. Cameron; Answer, The Chancellor of the Exchequer April 19, 1210
 Poor Law Audit, Question, Mr. W. M'Arthur; Answer, Mr. Selater-Booth May 3, 1957

Poor Law Guardians (Ireland) Bill (Sir Colman O'Loughlin, The O'Connor Don, Mr. Callan)
 c. Bill withdrawn * April 29 [Bill 48]

PORTSMOUTH, Earl of
 Agricultural Holdings (England), Comm. cl. 5, 1424

POST OFFICE
MISCELLANEOUS QUESTIONS
 Blackburn, Question, Mr. Briggs; Answer, Lord John Manners May 3, 1956
 Mail Service in the North of Scotland, Question, Mr. Laing; Answer, Lord John Manners Mar 22, 140
 Post Office Savings Bank Department, Question, Mr. Goldsmid; Answer, Lord John Manners April 8, 468a; April 16, 1110
 Post Office Telegraphs—Orkney and Shetland, Question, Mr. Laing; Answer, Lord John Manners Mar 22, 140
 Post Offices (Dublin and Edinburgh)—Salaries, Question, Mr. M'Laren; Answer, Lord John Manners May 3, 1951
 Revenue Returns, Question, Mr. J. Holms; Answer, Lord John Manners Mar 19, 77
 Sunday Labour (Ireland), Question, Mr. O'Sullivan; Answer, Lord John Manners April 20, 1282

POTTER, Mr. T. B., Rochdale
 Parliament—Privilege—Queen v. Castro—Prittlewell Petition, Report, 994

POWER, Mr. J. O'Connor, Mayo
 Peace Preservation (Ireland), 2R. 235, 265; Comm. 1489; cl. 3, 1841, 1857

POWER, Mr. R., Waterford
 Municipal Corporations (Ireland), 2R. Motion for Adjournment, 1190
 Peace Preservation (Ireland), Comm. 1645; cl. 3, Amendt. 1855

Prerogative of Pardon—Canada and New South Wales

Moved that an humble Address be presented to Her Majesty for, Copies or extracts of so much of the commissions and instructions to the Governor-General of Canada and the Governor of New South Wales respectively, as relate to the exercise of the Royal Prerogative of Mercy; and also, Copies or extracts of the correspondence (if any) with the Secretary of State bearing upon this subject in connexion with the commutation of the respective sentences upon Lepine in Canada and Gardiner in New South Wales (The Earl of Belmore) April 16, 1065; after short debate, Motion withdrawn

PRICE, Captain G. E., Devonport
 Army—Artillery—Woolwich System of Rifling, 303, 316
 Merchant Shipping Acts Amendment, 2R. 573
 Navy, Manning the, 643
 Navy Estimates—Coast Guard Service, &c. 659

PRICE, Mr. W. E., *Tewkesbury*
 Arctic Expedition—Scientific Officers, 1687
 Army—Militia Adjutants, 24

Public Entertainments (Hour of Opening) Bill [H.L.] (*The Earl Beauchamp*)

1. Presented; read 1st *April 12* (No. 51)
 Read 2^d, after short debate *April 26*, 1830
 Committee *April 29* (No. 77)

Public Health Act, 1872

Question, Mr. Lyon Playfair; Answer, Mr. Selater-Booth *April 22*, 1444

Public Health Acts—Sanitary Condition of Folkestone.

Question, Sir Edward Watkin; Answer, Mr. Selater-Booth; Personal Explanation, Lord Robert Montagu *April 6*, 366

Public Health Bill

(*Mr. Selater-Booth, Mr. Clare Read*)

- c. *The Amendments*, Question, Mr. Ernest Noel; Answer, Mr. Selater-Booth *Mar 22*, 144
 Read 2^d, after debate *April 19*, 1245 [Bill 55]

Public Health (Scotland) Provisional Order Confirmation (No. 1) Bill

(*The Lord Advocate, Sir Henry Selwin-Ibbetson*)

- c. Committee; Report *April 12* [Bill 92]
 Read 3^d *April 13*
 1. Read 1st (*The Lord Walsingham*) *April 15*
 Read 2^d *April 22* (No. 54)

Public Health (Scotland) Provisional Order Confirmation (No. 2) Bill

(*The Lord Advocate, Sir Henry Selwin-Ibbetson*)

- c. Committee; Report *April 12* [Bill 93]
 Read 3^d *April 13*
 1. Read 1st (*The Lord Walsingham*) *April 15*
 Read 2^d *April 29* (No. 55)

Public Works Loan Commissioners—Loans for Labourers' Dwellings

Question, Sir Sydney Waterlow; Answer, The Chancellor of the Exchequer *April 8*, 465a

RAIKES, Mr. H. C. (Chairman of Committees of Ways and Means), *Chester*

Ancient Monuments, 2R. 889, 892, 917
 Army Estimates—Warlike Stores, 343
 Artizans Dwellings, Comm. cl. 2, 54, 60, 62; cl. 5, 125; cl. 7, 131; add. cl. 1243
 Navy Estimates—Seamen and Marines, 655, 656
 Peace Preservation (Ireland), Comm. cl. 3, 1682, 1844, 1857, 1858, 1859; cl. 4, 1981, 1985

Railway Companies (Rolling Stock)

Moved that there be laid before this House, Return of the Rolling Stock of the Railway Companies in the United Kingdom; showing the number of vehicles that run with passenger trains or otherwise which have the tyres fastened on to the rims of the wheels on bolts, set screws, or rivets, or by any other

[cont.]

Railway Companies (Rolling Stock)—cont.

species of tyre fastening, specifying the same. [Then a tabular form of Return is set out] (*The Earl De La Warr*) *April 26*, 1632; after short debate, Motion withdrawn

Railway Trains Regulation Bill [H.L.] (*The Lord Redesdale*)

1. Presented; read 1st *April 12* (No. 50)
 Moved, "That the Bill be now read 2^d" *April 26*, 1621
 Amendt. to leave out ("now,") and add at the end of the Motion ("this day six months") (*The Lord Houghton*); after short debate, on Question, That ("now,") &c.; Cont. 24, Not-cont. 56; M. 32; resolved in the negative; Bill to be read 2^d this day six months

Railways—The Great Western Railway

Question, Sir Patrick O'Brien; Answer, Sir Charles Adderley *April 8*, 467a

RAMSAY, Mr. J., *Falkirk, &c.*

Education (Scotland)—Sutherland and Caithness, 2R. 2004
 High Court of Justiciary (Scotland), 2R. 1753
 Licensing Courts Appeal (Scotland), 2R. 1773
 Scotland—Ordnance Survey, 19
 Sheriff Courts (Scotland), 2R. 1762

RATHBONE, Mr. W., *Liverpool*

Artizans Dwellings, Comm. cl. 7, Amendt. 738, 741, 756; cl. 13, 759; add. cl. 1242
 Merchant Shipping Acts Amendment, 2R. 557
 Parliament—Privilege (Publication of Proceedings of Foreign Loans Committee), 811, 1146
 Public Health, 2R. 1255

Rating Act, 1874—Assessment of the Right of Sporting

Questions, Mr. Milbank, Sir George Jenkinson; Answers, Mr. Selater-Booth *April 29*, 1826

READ, Mr. Clare S., *Norfolk, S.*

Public Health, 2R. 1263

REDESDALE, Lord (Chairman of Committees)

Railway Trains Regulation, 2R. 1621, 1628
 Supreme Court of Judicature Act (1873) Amendment, 2R. 1085; Report, 1815

REDMOND, Mr. W. A., *Wexford*

Peace Preservation (Ireland), 2R. 239

REED, Mr. E. J., *Pembroke, &c.*

Bank Holidays Act (1871) Extension and Amendment, 664
 Bristol Channel—Harbour of Refuge, Res. 1155
 Navy Estimates—Admiralty Office, 658
 Coast Guard Service, 659
 Miscellaneous Services, 662
 Pim, Captain, and Mr. E. J. Reed, 1211

Regimental Exchanges Bill*(Mr. Secretary Hardy, Mr. Stanley)*

- c. Read 3^d, after short debate *Mar 18*, 66 [Bill 3]
Field Officers, Question, Mr. Childers; Answer,
 Mr. Gathorne Hardy *Mar 18*, 30
 l. Read 1st * (*Lord President*) *Mar 19* (No. 44)

Registry of Deeds Office (Ireland) Bill*(The Lord President)*

- l. Royal Assent *Mar 19* [38 *Vict.* c. 5]

REPTON, Mr., G. W. J., *Warwick*

Parliament — Privilege — Loans to Foreign
 States Committee, 1133

RICHARD, Mr. H., *Merthyr Tydvil*

Burials, 2R. 1391

Natal—Langalibalele—Action of Cape Colony,
 1285

Spain—Carthagena Claims, 604

RICHMOND, Duke of (Lord President of the Council)

Agricultural Children Act, 1873, 73, 74

Agricultural Holdings (England), 2R. 960;
 Comm. cl. 5, 1424, 1425, 1426, 1427, 1428;
 cl. 6, 1433; cl. 25, *Amendt. 1438; cl. 30,
 1440; cl. 35, *ib.*, 1441; *add. cl.*, *ib.*

Cattle, Importation of—Ill-treatment in Transit,
 1890

Elementary Education — Holyhead, Board
 School at, 1278

Justices of the Peace Qualification, 2R. 776

Military Training—Public Schools and Train-
 ing Ships, 1203

Naval Ordnance—Breech-Loaders and Muzzle-
 Loaders, Motion for Returns, 1874

Scotland, Established Church of—Teind Sys-
 tem, 1080

RIPLEY, Mr. H. W., *Bradford*

Army—Non-Commissioned Officers, 782

RITCHIE, Mr. C. T., *Tower Hamlets*

Artizans Dwellings, Comm. cl. 2, 56, 63;
 cl. 15, Motion for reporting Progress, 762;
 Amendt. 1231

Bank Holidays Act (1871) Extension and
 Amendment, Comm. 395; cl. 1, Amendt.
 396; Amendt. 397; Consid. Preamble,
 Amendt. 877; cl. 1, *ib.*

Civil Service Commission, Report, 1958

**RODWELL, Mr. B. B. H., *Cambridge-
shire***

Ancient Monuments, 2R. 895

ROEBUCK, Mr. J. A., *Sheffield*

Burials, 2R. 1388

Parliament—Queen v. Castro—Petitions, 1224
 Peace Preservation (Ireland), 2R. 190

RONAYNE, Mr. J. P., *Cork City*

Artizans Dwellings, Comm. cl. 2, Amendt. 59, 61

Peace Preservation (Ireland), 2R. 258; Comm.
 1651; cl. 3, 1682, 1831, 1844, 1856, 1857,
 1862, 1908, 1909; Amendt. 1910, 1969; cl. 5,
 1994

ROSEBERY, Earl of

Public Entertainments (Hour of Opening), 2R.
 1631

RUSSELL, Earl

Germany and Belgium—Peace of Europe, 1199;
 Address for Correspondence, 1944, 1949

RUSSELL, Lord A. J. E., *Tavistock*

British Museum—Sculpture Galleries, 1956

RUSSELL, Sir C., *Westminster*

Army—Distinguished Service Majors, 22

Army Organization—Recruits, Res. 1307

Criminal Law—Shorncliffe Murder, 15

Foreign Loans Committee—Paraguayan Loan,
 Explanation, 731, 732

Mint, The—Shillings, Scarcity of, 1952

RUTLAND, Duke of

Agricultural Holdings (England), Comm. 1422;
 cl. 6, Amendt. 1434; cl. 35, 1440

RYDER, Mr. G. R. D., *Salisbury*

India—Kirwee and Banda Prize Booty, 470a

ST. ALBANS, Duke of

Musical Entertainments, 2R. 1629

Saint Paul's Cathedral (Minor Canonries)Bill [H.L.] (*The Lord Bishop of London*)l. Presented; read 1st * *April 20* (No. 60)Read 2^d *April 29*, 1794**Sale of Coal, &c. Bill**

(*Mr. Gourley, Mr. Palmer, Mr. Dodds, Sir
 Henry Havelock, Mr. Hamond*)

c. Bill withdrawn * *Mar 19* [Bill 40]**Sale of Coal, &c. (No. 2) Bill**

(*Mr. Gourley, Mr. Palmer, Mr. Dodds, Sir Henry
 Havelock, Mr. Callender, Mr. Hamond*)

c. Ordered; read 1st * *Mar 19* [Bill 101]**Sale of Food and Drugs Bill***(Mr. Selater-Booth, Mr. Clare Read)*

c. Committee (*on re-comm.*)—R.P. *April 19*, 1263
 [Bill 83]

SALISBURY, Marquess of (Secretary of State for India)

Agricultural Holdings (England), Comm. cl. 5,
 1427; cl. 6, 1434

Indian Legislation, 2R. 777, 780; Comm.
 Amendt. 1206, 1207

Pollution of Rivers, 1R. 1884

Supreme Court of Judicature Act (1873)
 Amendment, 2R. 1087

SALT, Mr. T., *Stafford*

Education Department (England) — Revised Code (1875), 28

SAMUDA, Mr. J. D'A., *Tower Hamlets*

Artizans Dwellings, Comm. cl. 2, 57, 63; cl. 15, 1235

Navy Estimates—Miscellaneous Services, 661
Seamen and Marines, 655

SANDFORD, Mr. G. M. W., *Maldon*

International Obligations—Germany and Belgium, 604

Sale of Food and Drugs, Re-comm. cl. 5, Amendt. 1273

Slander, Law of, Res. 820

SANDHURST, Lord

Military Training—Public Schools and Training Ships, 1205

SANDON, Right Hon. Viscount (Vice

President of Committee of Council on Education), *Liverpool*

Contagious Diseases (Animals) Act, 1869, 975
Education Code (Scotland) — Gaelic Language, 224

Pupil Teachers, 224

Education Department (England)—Inefficient Private Schools, 1113

Revised Code, 1875, 28, 225, 228

Elementary Education Act, 1870—Voluntary Schools, 971

Elementary Education Act, 1872 — Public Teachers on School Boards, 1635

Savings Banks, &c. Bill

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

c. Considered in Committee April 28, 1793

Ordered; read 1^o April 29 [Bill 146]

School Attendance in Towns Bill

(*Mr. Salt, Lord Francis Hervey, Mr. Hermon*)

c. Ordered; read 1^o Mar 22 [Bill 102]

SOLATER-BOOTH, Right Hon. G. (President of the Local Government Board), *Hampshire, N.*

Adulteration of Food Act, 1872—Fusil Oil in Whiskey, 1511

Artizans Dwellings, Comm. cl. 3, 116

Emigration of Children to Canada, 782

Foreign Animals, Importation of, 969

Metropolis—Poor Law Audit, 1958

Pollution of Rivers, 466a

Public Health, 145; 2R. 1255, 1259, 1444

Public Health Act—Folkestone, Sanitary Condition of, 366

Rating Act, 1874—Assessment of the Right of Sporting, 1826, 1827

SCLATER-BOOTH, Right Hon. G.—cont.

Sale of Food and Drugs, Re-comm. cl. 3, 1264, 1265, 1266, 1267, 1268; cl. 4, 1271, 1272; cl. 5, 1273

Vaccination Acts—Skipton and Keighley, 1961
Valuation—Tithe Assessment, 969

Water Supply, 974

SCOTLAND

Churches and Mansees, Question, Mr. M'Laren; Answer, The Lord Advocate April 13, 782

Courts of Law—Judges of the Supreme Courts—Salaries, Question, Mr. Lyon Playfair;

Answer, The Lord Advocate April 26, 1633
Education Code—The Gaelic Language, Question, Mr. Mackintosh; Answer, Viscount

Sandon Mar 23, 223
Education (Scotland) Act, 1872, Question, Sir

George Douglas; Answer, The Lord Advocate April 9, 603
Established Church of Scotland—The Teind

System, Question, Observations, The Earl of Minto; Reply, The Duke of Richmond April 16, 1077

Pupil Teachers, Question, Mr. Lyon Playfair; Answer, Viscount Sandon Mar 23, 224

Saint Giles' Cathedral, Edinburgh, Question, Mr. J. Cowan; Answer, Lord Henry Lennox April 22, 1445

The Ordnance Survey, Question, Mr. Ramsay; Answer, Lord Henry Lennox Mar 18, 19

Tweed Fisheries Acts—Report of the Special Commissioners, Question, Mr. Trevelyan;

Answer, Mr. Asheton Cross April 15, 973
University Education—Chairs of Teaching,

Question, Mr. Dalrymple; Answer, The Chancellor of the Exchequer April 8, 460a

Scotland — Education [Parliamentary Grants]

Considered in Committee April 23, 161

Resolved, That it is expedient to amend the sixty-seventh section of "The Education (Scotland) Act, 1872," by authorising Grants to be made by Parliament in aid of Schools and Teachers Residences in the counties of Sutherland and Caithness, in the same manner as Grants may be made under the said section to Schools in the counties of Inverness, Argyll, Ross, Orkney, and Shetland; Resolution agreed to

SCOTT, Lord H. J. M. D., *Hampshire, S.*

Navy—Naval Cadets, College for, 647

SCOTT, Mr. M. D., *Sussex, E.*

Criminal Law—Luke Hills, Case of, Motion for an Address, 110

SCOURFIELD, Mr. J. H., *Pembrokeshire, S.*

Bristol Channel — Harbour of Refuge, Res. 1157

Burials, 2R. 1397

Ways and Means—Financial Statement, Res. 1058

Sea Fisheries Bill

(*Sir Charles Adderley, Sir Henry Selwin-Ibbetson*
Mr. Cavendish Bentinck)

- c. Ordered; read 1^o * April 19 [Bill 128]
Read 2^o * April 26
Committee *; Report April 29
Read 3^o * May 3

Seal Fishery (Greenland) Bill

(*Mr. Cavendish Bentinck, Sir Charles Adderley*)

- c. Ordered; read 1^o * April 12 [Bill 117]
Read 2^o * April 19
Committee *; Report April 26
Read 3^o * April 29
l. Read 1^o * (Lord Dunmore) April 30 (No. 80)

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(*Mr. Anderson, Colonel Mure, Mr. Mc Lagan*)

- c. Bill withdrawn, after short debate April 8,
1754 [Bill 21]

Sheriff Courts (Scotland) (No. 2) Bill

(*The Lord Advocate, Mr. Secretary Cross, Sir*
Henry Selwin-Ibbetson)

- c. Motion for Leave (*The Lord Advocate*) April 22,
1490; Motion agreed to; Bill ordered;
read 1^o * [Bill 135]

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c. Motion for Leave (The Lord Advocate) April 22.
 1490; Motion agreed to; Bill ordered;
 read 1st [Bill 126]

Superannuation Act (1859) Amendment Bill (*The Lord President*)
l. Read 3rd Mar 18 (No. 37)
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Supreme Court of Judicature Act (1873) Amendment Bill [H.L.]
 (*The Lord Chancellor*)
l. Presented; read 1st, after debate April 9, 574 (No. 48)
Bill read 2nd, after debate April 16, 1081
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c. Ordered; read 1st April 29 [Bill 149]

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Notice of Motion, Question, Sir Charles W. Dilke; Answer, Dr. Kenealy April 20, 1287
Orders of the Day postponed (Mr. Disraeli) April 23, 1513
 Moved, "That an humble Address be presented to Her Majesty, praying Her Majesty to be graciously pleased to appoint a Royal Commission, to consist of Members of both Houses of Parliament, to inquire into the matters complained of with respect to the Government Prosecution of The Queen v. Castro, and to the conduct of the Trial at Bar and incidents connected therewith, and certain incidents of the said trial which have occurred subsequent thereto" (*Dr. Kenealy*); after long debate, Question put; A. 1, N. 433; M. 432
 Personal Explanation, Lord Coleridge; Observations, Lord Cairns *April 28, 1614*; Personal Explanation, Sir Robert Peel *April 26, 1638*

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